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THE
HISTORICAL
AND
Political MERCURY.

NUMBER I.

For SEPTEMBER, 1759.

By Monf. MAUBERT de Gouvert.

Translated from the French.



L O N D O N :

Printed and fold by J. TOWNSEND, at the Corner of
White Friars, in Fleet-Street.

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RIGHT HONOURABLE

WILLIAM PITT, Esq;

Principal Secretary of State.

SIR,

PERMIT me at a time when most productions of the press claim a sanction from your name, to prefix it to a work of this nature, which more immediately concerns you in your political capacity. It is true, I am introducing to you a person who confesses himself to be in the pay of an enemy, but

but Plato has long since observed, that it is from an enemy only we can form a proper judgment of ourselves; and how happy are we in finding, that in our very worst light we shine out with so much splendour! The character of integrity which he strives hard to appropriate to France, is too glaring to need any comment. He seems to be no stranger to the interests of the belligerent powers, and the recapitulation he gives us of our successes in Europe, Asia, Africa, and America, with his observations upon them, appear more like a quotation from our corporation addresses, than the sentiments of a declared enemy: So sacred, so powerful is TRUTH, that even those who strive with a professed intention to falsify, cannot help recurring to her aid, and sometimes make use of her coin, while they think they are putting off the counterfeit pieces of falsehood. We must acknowledge, that he has spoken one truth that every Englishman will give his assent to, namely, that you are the only court minister that ever could retain the affections of the people: And in return to this acknowledgment we will add, that the author of this piece is the only person who could be so far enamoured with

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with TRUTH, without a desire of embracing her. The causes he assigns for the present war are far from being the ingenuous sentiments of his heart, and the lineaments he has placed in his pourtrait of England, seem stolen from those of France; his palliations are no proofs, and his calumnies far from demonstrations: The successes which heaven has given his majesty's arms since your administration, are the best proofs of the justice of our cause; as our victories have been signal, we must ascribe them only to heaven; and heaven can never give its sanction to any thing unjust. The present flourishing state of our marine, which he relates with so much admiration, is another proof of your superior wisdom and our superior happiness; happy are we that our enemies have no other resources but railing and obliquy to palliate their crimes and conceal their losses; and happy are we indeed to live under so glorious and mild a government, which is not desirous of concealing from its subjects the investives of its bitterest enemies, but leaves each individual to the dictates of his own breast. Whom then can we praise but heaven for having given us so good a king? Whom can we honour but

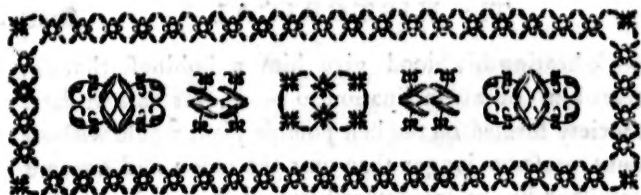
but so good a king, for having given us so
able a minister? and whom can we love but
so able a minister for having so well seconded
the views of so good a king?

I am, SIR,

With due Submission,

Your great Admirer,

The Translator.



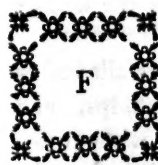
THE
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Political Mercury.

For SEPTEMBER, 1759.



CHAP. I.

An Introduction to the present System of Politics in Europe.

EAR is the first passion of man in a state of nature. It is also in society the first and most powerful spring of his actions. Frequent experience of the inferiority of his power gives him such a distrust that, unless agitated by some violent passion, he would chuse that way of living which exposes him the least to danger. But he is subject to those violent passions which

which heating his blood give him a boldness that deprives him of his inclination to peace, his natural state. A society formed on the best possible plan, would without doubt preserve longer than ours the union and concord established by the legislature between its members. But sooner or later this harmony will grow weaker, and fall into disorder; for the property of any compounded thing, is to disunite and dissolve itself. Nothing then is more chimerical, than the idea of a perpetual peace, between numerous societies, among whom different interests and prejudices nourish the buds of most violent passions. The fermentation or eruption of these violent passions have given their particular form to societies; states have from thence taken their constitutions.

It was for the sake of defending themselves or attacking others, that people chose chiefs, and these chiefs, whom their elevation could not free from all the weaknesses of humanity, (which is common to them with those they govern) have judged but rightly one of the other, in not presuming too much on their respective attachments to the principles of equity, and on their mutual taste for concord and peace. From hence sprung that science, so differently conceived of, under the name of politics, the study of which is devolved to sovereigns, and those who share under them the cares of government, and which is nothing more than the art of providing for the happiness of one nation, without prejudicing the welfare of others, or fearing their resentment.

In judging thus respectively, sovereigns are allowed to mix diffidence with their reciprocal friendships, and also to act against one another as enemies without disgracing their proceedings by personal hatred. It is from the different manner of their considering things, that their grievances are founded, and the peremptory consideration of the good of their state and their people, always justify them as to the intention. They

They excuse and ought to excuse in each other the destructive projects, and the means of putting them into execution. It is in the order and nature of things, that the state and the people who would have reaped the fruits of the successes of their sovereign, should feel the unhappy consequences of a reverse of his fortune, and should suffer for the boldness of his enterprize, as they are supposed to have approved his plan, adopted his views, and partook of his hopes; since he is supposed to have had no other object but their advantage.

The human mind is unchangeably limited within its sphere. It turns round its circle, which it is obliged to recommence after it hath finished its circumference. To the infant ages of the world, ages less ignorant have succeeded, and those have been replaced by others more enlightened, which have been followed by others, in which light and knowledge have increased and multiplied to the bounds marked to the human understanding. Then, by a retrogradation more or less regular, they have returned to ignorance and barbarism, to be again drawn out of them in time, by a progression nearly like the former. History is not exact enough to point out justly all these epochas. But it is not difficult to discover from the many great traces which remain to us of the conduct of ancient states, that the science of politics, of which many moderns have thought they had delivered the first lessons, hath gone through as complete revolutions as the other sciences. The reigns of Nimrod, Semiramis, and Cyrus, have had near the same maxims as those of Attila, Alaric, Charlemagne, Gengis, and Tamerlane, and in different times of Rome and Greece, we see those deep schemes of policy in statesmen and generals, the honour of which we would attribute to those of our own age.

The Greeks had a regular system as to the general affairs of the world, so far as it was known to them. The relations of people to people, of state to state, were formed and cultivated with as much care as skill, to the time of the decline of Greece. It was the same in the republic, and in the monarchy of the Romans. It is useless to take notice of the different gradations of politics in Europe, in the thirteenth and fourteenth centuries. We were at the last point of one of these revolutions of the circle, when cardinal de Richelieu, came under Lewis XIII to the helm of the affairs of France. He hardly found any footsteps of the work undertaken by Henry IV. to strengthen the connexions with some states, and for forming new ones with others. The cardinal did himself honour with his master, to renew the views of this great prince, and he acquitted himself so well, that at the end of that war which he had kept up as a necessary fermentation for the accomplishment of the work, the courts had so exact a correspondence one with the other, that one might have said the princes of one and the same family, possessed the different thrones of Europe. The sovereigns being capable of knowing their respective interests, their forces, and resources, and to penetrate into each other's designs, and the means of executing them, and being persuaded besides, that it was above the condition of humanity to be always just, always moderate or inflexible, thought it would be convenient for them, if they were weak, to insure to themselves protectors, and to gain to themselves dependants if they were powerful, that they might neither be exposed to oppression, nor reduced to a dangerous and dishonourable inactivity, upon a new crisis in the general state of affairs.

Two powers had then some superiority over the rest, either by their real strength, or by their reputation.

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They were rivals. The other powers attached themselves to them, and fixed their choice according to the point of view in which they beheld their own interests. Hence arose two parties, each of which having no other restraint but the fear of not being the strongest, seemed to threaten a war, at that time when it should think itself in a state to enter on that career. One of the two great powers had at heart the recovery of his losses: The other had not yet attained to that pitch of greatness which he judged himself to be capable of, and at which he was desirous to arrive. Both were equally ignorant of the precise strength of the counterpoise, and flattered themselves they should be able to remove it; which hindered them from providing for the re-establishment of the balance, in case it should incline to their disadvantage. Just as two bodies suspended at the ends of a balance improperly fixed, without any direction for their vibrations but their own weight; these two parties were obliged to move at hazard, as soon as they had received the first impulse; to depend upon various accidents in their motions, and not to rest till obliged either by being wearied, or by the destruction of the first mover.

Such hath been for a whole age *this balance of power*, so often mentioned by speculative politicians. The two houses of Austria and France, with their allies, have kept all Europe in a continual war. They have been ballancing without the idea of an equilibrium; without aiming to establish it. The contention was stopt by consent, that they might have time to breathe; it begun again after this pause more violently than before; and would not have ceased, but with the ruin of the less fortunate power, if the other interested powers had not at length considered, that the decisive superiority of the other, would entirely overturn

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They both hate and blame in England the promoters of the peace of Utrecht, who strengthened the power of France which had been most violently shaken. Yet (not to mention that it is to this peace the English are indebted for the great influence they have over the general affairs of Europe; and that their opulence has grown from those two houses being exhausted by a long and bloody war, of which the expences and indemnifications were refused to the victorious) if the High Allies had persevered in their confederacy, after having attained their end, which was the humbling of Lewis XIV. if they had given satisfaction to the emperor Charles VI. in all his pretensions; conquered and divided many provinces of France, as they might have promised themselves; and had reduced in the end this monarch to be no more than a power of the second rank; all Europe must have been overturned to form a second balance of the same nature with the first; or they must have submitted to an universal monarch. The first was a matter of great difficulty. The greatest part of these states exhausted by the war, were not of their former consequence; some enriched and enlarged by this very war, were of more consideration than before: There was no valuing precisely either of them. The two parties would have been unequally formed; and very soon the oppression of the weakest would have brought back with still greater danger the same alternative.

It is in this manner that the best constituted republics have been destroyed. The oppressors of liberty grow up from the victory of its protectors. After having unanimously repulsed the invasion of the Persians, Greece established its balance much of the same kind with that
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of Europe, after the peace of Westphalia. Sparta and Athens had each their party. The first sunk and was destroyed for want of conduct. There was presently substituted another, which occasioned the same fate to the Athenian party, the ruin of which made way for a third disposition, which could not hold out against the politics of Philip of Macedon, and the military talents of his son Alexander. In Rome there was the same chain of consequences in that balance which the senate and people took charge of, without appointing it a governor.

The senate having triumphed over the Gracchi, directly put the Roman people under the necessity of making Marius their chief. Marius was overcome; and the people were oppressed. Presently the senate as well as the people lost their liberty. Sylla, the senate's champion, became monarch, and so absolute, that he dared to abdicate, and abdicated with impunity. The two parties rallied, they threatened some time without daring to come to a new trial of their strength. At last Pompey and Cæsar fell out: Rome was enslaved, and could not raise itself; because the counter-poise having been very much destroyed by violent shocks, there did not remain wherewith to compose another.

The connexions of all the powers of Europe with one another, the respective dependance they voluntarily hold, put them (the difference of their forces excepted) upon an entire parity with the powers of Greece. Congresses and the residence of ambassadors prevent or make up disputes more numerous, and of greater consequence than those, of which the Amphictyons, (who were a kind of Greek diet) dared to take cognizance of. In Europe, as in ancient Greece, the increasing power of one state deduces from the power of another, not quite its

its equal. This group of states whom a capital interest unites and disunites, is a republic of sovereigns, subject to the same revolutions as a republic of citizens ; for in each there are the same principles of preservation. If it had been necessary for the oppression of the liberty of Greece and Rome, that the oppressor should be more powerful than the rest of the republic, Rome and Greece would never have lost their liberty. It is a fact, that any body of men will not conspire against a member who has rendered himself formidable to it. The ambitious man will know how to divide those whom he would destroy or subdue : He will by his intrigues gain some, deceive or intimidate others, make those grow cool who were not very warm in the cause, and put those in suspense concerning his design whose irresolution he is acquainted with. He will awaken their former resentments, recall their forgotten troubles, and turn to his own advantage their old prejudices. He will render himself all powerful in the republic with a force in reality very limited ; because he will find to oppose but that portion of citizens, who have openly declared against him, and that portion is generally the least numerous.

It is only in this sense that we must understand a *universal monarchy*, can possibly result in Europe, from a subversion or recomposition of the ancient balance. A complete victory at the battle of Hockstet over Lewis XIV. approached towards it. The emperor Charles VI. would have had hopes, if the war continuing with the same success after the taking of Landrecy, the High Allies had faithfully kept their conventions with his house. Spain, attached to the cause of Lewis XIV. its monarchy and the dominions belonging to it, by which he enabled himself to keep Italy in a respectful quiet.

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quiet. The house of Bavaria drew into its interests the greatest part of Germany. It threatened Holland with entire destruction. It was the most universal monarch in Europe, without having perhaps a quarter of the forces of that part of the World. Charles VI. uniting the crown of Spain to the Imperial crown, would have brought back the times of Charles V, with this advantage over that emperor, of being far more in esteem than he, with the Germanic body.

The fortune of war delivered Europe from the first danger. The peace of Utrecht saved it from the second. The balance continued in a state of inaction near twenty years. The parties employed that time to examine their own situation and to repair their losses. The principal powers desirous of peace, of which they knew the want, laboured unanimously for its continuance. They suspected the insufficiency of this pretended balance, which had cost them their money and the blood of their subjects. But their ministers of state did not distinctly strike at its defects ; or they shook off the thoughts of them for want of knowing what to substitute in their room. It was still upon the ancient balance that the two rival houses tried their strength in 1733. But one of them had not rallied her party ; and so prevented by a ready accommodation the losses with which she was threatened by the unexpected coldness of her principal partisans.

France then gained the dutchies of Bar and Lorrain, the enjoyment of which she assigned to king Stanislaus, as an indemnification ; and of which she stipulated the reversion to her crown after the death of that prince. Scarce was this treaty concluded when England made its complaints and reproaches against this principal article. The court of Versailles knew they repented of having

abandoned the emperor ; and that the ancient allies of the house of Austria, growing warm again in its interests, would serve it on the first occasion with more preparations and greater ardour, as if to gain pardon for their former defection. Cardinal de Fleury prime minister of France, seemed to fear this approaching crisis, and was desirous to exempt Europe from these calamities. He got the king his master to endeavour to extinguish this proud rivalry, equally fatal to the two houses and their allies. But so great a work could not so soon gain a solid foundation. The death of the emperor Charles VI. happening before the confidence between the courts of Vienna and Versailles was thoroughly fixed, rekindled in France and its allies their old prejudice. A design was formed to substitute the house of Bavaria in the room of the house of Austria in the balance, and in such a manner to weaken the new head of the contrary party, by the dismembering the dominions of which he claimed the inheritance, that from that time he should not have neither the forces nor the credit of his predecessors.

The power of Prussia broke out then for the first time, from that political obscurity, in which the preceding king laboured to increase and strengthen it. It declared against that party, at whose expence it could make new acquisitions ; and feigned a reconciliation with it, after having forced it to purchase this reconciliation by the cession of Silesia. The court of Vienna, with regret, made a sacrifice of which it foresaw the dangerous consequences. It dissembled its fears, and even flattered itself that the happy success of the war against its principal enemy, might on the other side render an equivalent for this loss. But his Prussian majesty returning to the charge in 1744, with the hope of snatching some other morsel which might lie conveniently situated for him ;

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1759.

And POLITICAL MERCURY.

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him; the Austrian minister thought it necessary to take precautions against an enemy who so openly discovered a project formed to raise himself upon the ruins of the house of Austria. They negociated with Russia a defensive treaty in 1745. As it was evident that in regard to a power altogether military, there was no medium between reducing it, or being crushed by it, this treaty was made only against the king of Prussia the aggressor, and stipulated to share whatever countries they could take from him in repulsing this aggression. His Prussian majesty knew too well the slowness attending means purely defensive, to be alarmed at this treaty. He boldly put himself into the case supposed by the contracting parties. He invaded Saxony, gave battle there, forced the elector to abandon his capital, and at last to preserve his electorate from the most grievous calamities by a disadvantageous peace, of which he dictated the conditions. This was enough to confirm the court of Vienna in her fears for the future. She knew no other remedy but that which she had fruitlessly pre-prepared. She endeavoured to make it more efficacious by renewing her engagements with Russia, the following year.

The pragmatic war (for so one may call the last, which was terminated by the treaties of Breslau, Dresden, and Aix-la-chapelle) ought to be a guide to the powers who are friends to the peace of Europe. They may there see that the two houses gained by it but that weakness which necessitated them to make the best accommodation they could; and that the less powerful allies of France and the Empress Queen, were the victims of the war, while the more powerful making themselves to be assigned by the one, at the expence of the other, a

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recompence for their succours, aggrandized themselves by the losses and disgraces of both parties, They could see after the treaty of Aix-la-Chapelle, that in pretending to fight for the balance, the Prussian power was arrived to a height capable of overturning it.

The Prussian power, entirely military, could not without risking its ruin, form and execute alone so bold a project. But prepared as it was for the offensive, it could not ruin itself but after having destroyed every thing which it at first attacked ; it might promise itself to surmount the danger, if it had assistance only from one of the chief powers of Europe ; and they knew its close connexions with France. The Austrian power weakened by dismemberings and by a long war, had scarcely forces sufficient for the defensive. With a neighbour less powerful or bold it would have wished for peace, that it might introduce or establish in its different dominions a regularity of administration scarcely known before this reign. It took its old allies into its confidence, and in binding its connexions with them, let them see it desired nothing more than security and tranquility. It behoved it to make known its pacific dispositions at the court of France, but with no view to prepare it to seal a reconciliation by an alliance. Such revolutions to be durable require many years to bring them to maturity ; and it is fact, that the Austrian ministry either did not imagine this change, or did not think it possible. Their only concern was to dissipate the diffidence and jealousy of the French ministry, and to put them on their guard against the pretences which the King of Prussia might make to them to support him in case of a rupture. It was necessary to go to the source of the division between the two houses, and to destroy in its very first principle the leaven of ancient rivalry. For this grand political operation, it

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was necessary to have a statesman as equally regarded for his birth, rank, and character, as for his manner of transacting affairs, with a dignity of mind above intrigue and chicanery; a statesman who had acquired such a reputation for integrity and resolution, that his word, like that of the famous count d' Estrades, might be taken and received by way of security for that of his court. The Empress Queen made choice of count Kaunitz, the promoter and principal co-operator of the peace of Aix-la-Chapelle. This nobleman found the court of Versailles engaged with the king of Prussia, but as well disposed in regard to himself as he had room to hope. During a stay of four years in France, he satisfied himself with letting the French penetrate into the system of his court, examine the principles of its politics, convince itself of the rectitude of the views and of the firmness of the resolutions of his sovereign. An esteem was established between the two ministries: this was the fruit of the embassy; and his successor was only charged to improve it. Till 1755 all Europe was in a time of tranquillity. The secret practices which were going on in Sweden, and the augmentation which the king of Prussia made in his armies, while the other powers of Europe were weakening themselves by continual reductions, awakened again the fears of the court of Vienna. The distrusts which crept into the discussions of the French and English concerning their possessions in America, foretold an approaching storm. The court of Vienna judged it necessary to take measures equally capable of laying the storm, or enabling it to support it: the treaty of England with Russia was its work. The most skilful politicians could not foresee that this alliance, which promised to confine the quarrel of France and England to a war by sea, would cease to be approved of by his Britannic

Britannic majesty. The union of the Russian and Austrian forces, for the security of the electorate of Hanover, undoubtedly obliged France to renounce her intended scheme of a diversion there, by magnifying to his Prussian majesty the danger of attaching himself to that court; and from thence resulted peace to the Continent of Europe.

This was not the intention of the king of Prussia. If that deserves praise as a stroke of genius which has plunged Europe into a most dismal war, it must be allowed that the method this prince took to overturn this whole disposition, is a master-piece in its kind. He immediately protested that he would not suffer any foreign troops to enter Germany. The king of England perceived that to force such a barrier the Russians must have so long a time, that France would either frustrate the opposition, or gain over the opponent, and invade either by her own arms, or those of Prussia, the electorate of Hanover. The people of England would not hear subsidies mentioned, and England had not an ally in a condition of struggling without assistance against either of the two kings. His Prussian majesty directly laid hold of the alarm, to offer the king of England to take himself the electorate under his protection against all that should make any attempt upon it. A hundred and twenty thousand soldiers ready for action rendered this a tempting offer, and made it accepted. This protection of the electorate of Hanover authorized the king of Prussia to put his armies in motion. Saxony, Bohemia, and most of the States of the Empire, were from that time at his discretion. The demand of a passage became in the hands of his Prussian majesty a knife with two edges. If a passage was allowed him, he pretended for security of his return, to retain some places under colour of a maga-

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1759.

And POLITICAL MERCURY.

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magazine. If a passage was refused, he alledged the necessity of protecting Hanover, against the enemies France would stir up against it. That obligation imported the baring up the way against these powers, and to make a rampart to the electorate, of all that lay near it, so that one way or other, that monarch divided the empire, or subjected it to his yoke.

The treaty between the two kings, electors, was made the 16th of January 1756, they appeared to insist equally upon the guaranty, which they grant to the states of the Empress Queen. But the king of England allows to his new ally, the exclusion he gives to the Low Countries. It was this exception which made it known to the court of Versailles, that its former ally sacrificed it to his ambition, and that he payed the king of England, (by the promise of his attacking France) the promise which his Britannic majesty made him to concur in aggrandizing the power of Prussia in Germany.

The Empress Queen had placed count Kaunitz, at the head of the foreign affairs, and had appointed count Stahremberg, to succeed him as ambassador to France. The ministry of France was certain not to find in those two noblemen any of those little finesses which spin out small matters, and make great ones miscarry. The equality of danger to the two powers, was an argument equally powerful to their ministers. It ought to have formed a connection : It formed an union. The first of May 1756, the minister of the Empress Queen, signed an instrument of neutrality ; the minister of France gave one of security for the Low Countries, as far as it depended on their king, and the same day the two powers contracted a defensive alliance. It is to this treaty we must impute the birth of the present system of politics in Europe.

C H A P.

C H A P. II.

An Historical Discourse on the Conduct of several Courts in the present System of Politics, to the Month of August 1759.

THE connections of his Prussian with his Britannic majesty, had for their object the aggrandizement of the two powers. The condition of his Prussian majesty left no room to doubt of it, and there was not any court in Germany, who was ignorant that during the preceeding war, it was talked at Berlin, of secularising a great part of the bishoprics and prelacies in the Empire. The augmentation in the Prussian armies was the consequence of the alliance of January 1756, between the two kings, electors. The king of Prussia exercised all his troops, and by different motions which he endeavoured to render familiar to them, he declared an enterprize already resolved on, to surprize some of his neighbours. The monarch was known. His power equally above or below its just degree, rendered him ambitious through reasons of state. It was necessary that he should employ these numerous armies, the expence of which was far out of proportion to his revenues, and his disbursements. His views of conquest could no more be concealed than the necessity he lay under of conquering, and he was so much the more formidable in his designs, that giving himself up to them, if I may so say, by obligation, he did not leave (as other conquerers do) to his enemies, the resource of mistakes common to those who are ambitious through passion.

His Prussian majesty being himself wholly his own council, they could penetrate nothing of his designs, but that he had formed many, and all the dominions which were within his reach or convenient for him, had
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equal reason to fear that they were intended against them. France, Russia, the Germanic Body, the House of Austria, and Sweden, were equally threatened. By his dutchy of Cleves, the king of Prussia was a formidable neighbour to France. Russia was afraid for Poland, and for Sweden, the least diminution of which would put it in danger. Sweden and Poland themselves were under uneasiness, one for its share of Pomerania, and the other for that rich Polish province, which is shut up within the bounds of Pomerania, and the kingdom of Prussia. Denmark and the Dutch had reason to be alarmed for the commerce of the Baltic, which the Prussians were sure to share exclusively with the English, if Sweden and Poland should loose Dantzick and Stralsund. The Dutch were alarmed at the pretensions of the king of Prussia upon the province of Groningen, which he had placed in the number of his possessions, and at the head of his edicts as prince of Oostfrise. The Empress Queen and the princes of the two circles of Saxony, were exposed to the first strokes of the Prussian power. It was at their expense that he could connect his possessions, and give to his monarchy a proper consistency. It was natural for all the interested parties to make a common cause against the king of Prussia, as soon as by his alliance with England and Hanover, this monarch was in a condition to proceed to the execution of his projects. This was likewise what the two powers promised themselves, in signing their treaty of alliance. They engaged to invite the principal powers of Europe to enter into it; and the negotiations of their ministers in respect to it were public in the courts at which they resided.

The spirit of the alliance of Versailles was then pretty well understood by the greater part of Europe. But they presumed too much on its influence. The habit of seeing

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France and the House of Austria at the head of two parties who divided Europe, had established an opinion of the superiority of these two powers above the others. As they attributed the past wars to their rivalry, they pleased themselves in believing that their union, forcing to concord the princes and states who had fought for either of them, foretold a perpetual peace. Paris and Vienna applauded the omen without considering the reverse of it. The German and French writers believed they should serve the two courts, in putting no bounds to the fruits of this alliance as if independancy was not in every respect the most valuable appurtenance of sovereigns; as if their liberty did not consist in having it in their power to chuse with an equal independancy peace or war.

The court of Berlin, dexterous at turning to its advantage prejudices of every kind, wanted no other text but that of these too zealous writers, to give the alarm to every court. It represented that if these two powers were in a condition to force all the others to a peace, they would be equally in a condition to oblige them to yield to their wills; and the ministers of Prussia cried out in all the courts, that the plan of the houses of Austria and France, which they said was to oblige the states of Europe to live in peace, was rather to act in concert to put them under the yoke. Their clamours made an impression, and in truth the imputation was plausible. The moderation and equity of their most Christian and Imperial majesties were not a sufficient security to be presented to sovereigns: Because states well governed, and princes well advised, always consider future generations, and never place a dependance on an event so uncertain as the life and virtues of sovereigns and their ministers.

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The courts of Vienna and Versailles, were not long without feeling the effects of these first impressions. The kings of Denmark and Sardinia, the king of Spain himself, were silent in regard to the alliance of Versailles, and provided for their security without its appearing that their jealousies arose from the formidable state of the Britannic and Prussian powers. The king of Sardinia, gave orders to repair and augment the fortifications of his places. He appeared to be in fear for the liberties of Italy, and for his own. Spain gave room to doubt whether she preferred the possessor of Gibraltar, or the conqueror of Minorca: The king of Denmark declared his neutrality: Sweden shewed herself undetermined, and Russia waited for some explanations to form its resolutions: People more apt to fear than to hope well of what they see at a distance, divided themselves upon the possible consequences of the alliance of Versailles. The Prussian emissaries very seasonably awakened the old prepossessions of the Protestant churches; they published that a conspiracy was formed by the two chief Catholic, against the principal Protestant powers. While the greatest part of Europe hesitated to declare upon the intention of the alliance of the court of Versailles, the Protestants persuaded themselves it was to destroy their church and its worship. The king of Prussia immediately accommodating himself to this circumstance, made a show of zeal for the cause, of respect and esteem for the worship. He took upon himself to be the defender of Protestantism. The dispute which he had with the count of Wied-Runckel, about a chapel, which was granted to the capuchins in his city of Diesdorf, was treated with all the eclat of a cause of the utmost importance, and it served admirably well.

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It was forgot that his Prussian majesty himself had invited the Catholics to build a church at Berlin, and that he himself gave the plan of that superb edifice; that he had granted patents to priests and monks, to go to raise and collect in Europe the contributions of the Catholics to defray the expences of this ornament of his capital; and finally, that his majesty made at Rome connexions of the same nature as those of Catholic powers. This was all forgot to see nothing but the spirit of intolleration which that monarch pretended to in the affair of the count of Wied-Runkel: and he was honoured for his zeal.

This first proof of the effects that religion might have, convinced the court of Berlin, that if it could make him be looked on in this point of view by the Protestants in Europe, they would excuse every thing he did in favour of the motives and the intention they supposed him to have. His ministers and his writers dwelt much upon this new characteristic in the pieces they delivered into the Diet of the Empire. The Evangelic Body divided, and the greatest part of them were brought to believe that the Prussian quarrel was a concern of their own. Political prejudice had met with credit, as well as religious. Those princes and states who judged coolly, considered which of the two allied houses they should go over to: Each distrusting his own judgment as to his choice, waited till the others had declared theirs. Even those to whom the power of Prussia was formidable, appeared to fear least it should be annihilated. Those who were attached to it, laid great stress on the necessities of preserving it, that it might be a refuge for the Protestants. The ministers of France and Austria, at first found in foreign courts, nothing but distrust, irresolution and coolness.

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The two houses were far from having this high opinion of their united forces, or from flattering themselves with the erection of a sort of tribunal of arbitration for the other powers. At Vienna and Versailles, the alliance had been projected and formed as a dam absolutely necessary to prevent an imminent inundation; and the two courts were so little certain of its efficacy, that they encouraged one another to bear with resolution their first losses, to draw other powers into the confederacy, and to hope that the common enemy, too well prepared for the shock to be immediately repelled, would be tired out by their perseverance, and exhausted by its own efforts. They concluded indeed, that their power was greater and more solid, and that they had many more resources than England and Prussia. But they did not disguise to themselves that (like an anuitant playing against a deep gamester who has his whole on the board) they might be embarrassed by too great stakes a long time, and perhaps greatly distressed by their loss; so that it might end in their ruin if fortune should fix herself against them. The endeavours of the ministers of France and Austria in foreign courts, to inspire other sovereigns with a desire to accede to the alliance, brought back insensibly the greatest part of Europe to this just idea of the confederacy. The instances made upon this subject at Petersburg, Madrid, Turin, Copenhagen, and Stockholm, demonstrated that the general interest had produced the reconciliation of the two houses, and that they only proposed to make themselves a bugbear to the enemies of the repose of Europe, and to establish a sure refuge for the powers exposed to oppression. It was absurd to suppose the principal powers would unite to divide Europe between them. The union that such a project supposed, would have become impossible the very mo-

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ment of its execution. The court of Russia promised in the month of June, that accession which they gave to the alliance in the beginning of September; the States General of the United Provinces appeared at the same time convinced of the rectitude of the intentions of the contracting parties: the king of Sardinia's fears were entirely removed: the senate of Sweden, having no fear, nor taking any precautions but on account of the preparations of the king of Prussia, joined with the king of Denmark to protect the freedom of their commerce against England: the courts whom the spirit of party, or engagements already entered into, did not influence, declared, that they approved of the intention of the alliance of Versailles, and that they were disposed to concur with it.

But this conviction, which was the result of an examination of facts, and of impartial reflections on things, had no hold on those nations in whom Prussian politics had awakened the prejudices and suspicions concerning religion. The king of Prussia entered Saxony the 29th of August 1756, with a hundred thousand men; fifteen days after, he did not dissemble his coming there as an enemy and conqueror. The oppressor of the first Protestant state, did not the less pass for the defender of Protestantism. The people of Saxony themselves excused the irregularity of this manner of taking possession. Those of England and the United Provinces applauded it, and prayed for its happy success. Switzerland, whose existence, if I may so say, is in the hands of France and the house of Austria, by the subsistence it draws from those states, and which it could not draw elsewhere, resounded with acclamations in favour of the king of Prussia; and some Imperial cities, whom fear kept from declaring for him, favoured him as much as they

Sept.

1759.

And POLITICAL MERCURY.

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they could by the carelessness and slowness of their obedience to the Imperial decrees.

With these disadvantages did the courts of Vienna and Versailles begin upon the defensive against the courts of Berlin and Hanover. The ministry of France, before it entered upon its re-union with the Austrian ministry, tried to embroil that of the courts of London and Berlin. The duke of Nivernois was at Berlin in the beginning of 1756, and returned without having gained more on the disposition of the king, than the minister of the Empress Queen on the resolutions of his Britannic majesty. The two monarchs had fixed their party. The king of Prussia marching to the rendezvous of his troops, at the end of August, said loudly to the English minister, Mitchel, that *he was going to do the business of the king his master, to whom he recommended his.*

The preparations considered, with which the court of Berlin began its operations, it would have overturned all obstacles, if it had been less confident of success. We may say that its mistakes have disordered its great strokes of politics. By the haughtiness with which the monarch maintained his first proceeding, he brought upon himself all at once the principal powers, whose division was necessary to his views. The invasion of Saxony forced the Empire to declare itself for its laws. The thundering acts which followed it, obliged the guaranties of the peace of Westphalia to appear under that quality. The severity with which the house of Saxony was treated, gave to his most Christian majesty a family interest in its defence. The reiterated insults which were offered by the king's order to the count of Broglie ambassador of France, made that which was its interest become a point of honour. The indirect menaces made use of at the court of Petersburg by the English minister,

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Sir C. Hanbury Williams, irritated Russia. Finally, the tone of the demands and answers of his Prussian majesty, on all subjects, disgusted the greatest part of the sovereigns. Every one judged this monarch on the ancient principles of the law of nations which he overturned; and they saw no other means but the humbling him, to prevent his establishing a new law of nations, all the principles of which referring to those of the court of Berlin, would be dictated by a military and conquering genius.

The politics of the allied courts confined themselves to their uniting still closer, and exhorting each other to perseverance, in giving reciprocally new assurances of their steadiness. Sovereigns accountable for their engagements to God, and to the good of their state, can give no other guaranty of their fidelity to fulfil them, but the respect they owe to themselves. In confirming and renewing their contracts, they seem to expose themselves to the disgrace of fickleness, if they violate them; and shame, which is their strongest curb, becomes the greatest security for their conduct. France declared war against England the 9th of June. She was mistress of Minorca the 27th. Disengaged in regard to the English by their hostilities and by their declaration of war of the 17th May, she set upon fortifying Dunkirk.

In conjunction with the court of Vienna, she explained herself to the States General on her land armaments, and persuaded them so well of the justice of her taking up arms, that their High Mightinesses confirmed their neutrality, in spite of the motives supported by the English for a contrary choice. Presently after the invasion of Saxony, the Emperor summoned together the princes and states of the Empire, and made them begin their proceedings against the violator of the public peace, according

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According to the terms of the Germanic constitution. The king of France declared in October, that his guaranty of the treaty of Westphalia, drew him beyond the bounds of the alliance of Versailles; and that besides the twenty-four thousand men that he engaged to furnish, the Empress Queen with, he would give to the Empire an assistance which should not be limited but by its wants. To render it more efficacious and more agreeable, he augmented the German regiments in his service one third; he also raised new ones. Russia notified the same dispositions with the same eclat. Her ministers in all the courts had orders to declare, that she had embraced the cause of the royal electoral house of Saxony; and a little after, count Bestuchef, her grand chancellor, deduced her motives in a letter to the primate of Poland. The resolution of the three confederate powers gave such an assurance in the Diet of the Empire, that the margrave of Anspach, and the landgrave of Hesse-Darmstadt, both attached to Prussia by blood and religion, dared boldly to prefer the interest of the Germanic body to his, and give their vote against him the 10th of January 1756.

To this bold and noble policy, the court of Berlin opposed subtilties, intrigue and violence. Having made the hereditary prince of Hesse (to whom he had granted an assylum) a prisoner at large, he assured himself of that country, even for the time in which the reigning landgrave should in any manner cease to favour the cause of Britain. The year following he used much the same precaution with the ducal house of Brunswic, who was attached to him partly by inclination and partly by necessity. When circumstances obliged the reigning duke to change, the prince his son, presumptive heir, was allured into the army of Hanover, where his inclination to arms, artfully flattered,

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tered, caused him to retain the troops of the duke his father, in spite of their being recalled. The court of Berlin, accustomed to see the princes of Anhalt in its armies, treated all that house as subjects. It staggered the duke of Saxe Gotha with chimerical hopes, and fixed his side by more real threatenings. It required of the Polanders to make a bulwark of themselves for him against the Russians; and afterwards citing the old treaty of Vehlau in 1658, which the house of Brandenburg had never executed, it demanded of them a succour of 4000 men which the two states promised respectively. Turning itself afterwards towards Denmark, it took no notice of its quality of elector, which gave up its master to the resentment of the Germanic body; and demanding of his Danish majesty an alliance as king of Prussia, it tried to draw succours from thence, which it would have very well known how to have employed according to its occasions in either quality. It afterward attempted to embarrass the Germanic body, by applying to himself the laws of mutual defence, which are a part of its constitution. It accused the king of France, and the Empress of Russia before the Diet; and making a jest of the declarations which committed to these two auxiliary powers the defence of the Empire, and the vengeance of the oppressed house of Saxony; the Prussian minister at Ratisbon pretended that the dominions of the king his master being invaded by the armies of France and Russia, the Germanic Body ought to assist him with those succours which the members of the Empire owe to each other against a foreigner. But the greatest hopes of the court of Berlin had laid on the side of Sweden. The king of Prussia, connected with Hanover, to whom Bremen and Verden, (ancient possessions of Sweden) are valuable acquisitions; more inclined towards
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extending itself into Swedish Pomerania, than offering to the Swedes the restitution of its dismembered provinces: little to be credited, finally, upon the promises relative to Livonia, which is in the hands of the Russians, he was not in a capacity to offer to Sweden any satisfactory return for the services he required of her. His emissaries at Stockholm gave him advice of a cabal formed for the overturning the present government, and re-establishing of despotism. This revolution had been formed upon the plan of that of Denmark in 1660, with this difference only; is was with their full consent, and to free the commonalty from slavery, that the magistracy and people of Copenhagen undertook to deliver king Frederic III. from those fetters with which the nobility had shackled the royalty; and it was by a massacre of the senators, magistrates, and citizens of Stockholm, that a small number of discontented noblemen, at the head of a troop of desperate fellows, proposed to set free the royal authority from that deference it had been obliged in Sweden ever since 1720, to pay to the four orders of the kingdom. Mutinous soldiers, outlaws, dishonest servants, mechanics whom laziness and want fitted for the most desperate attempts, were the instruments chosen by three or four ambitious men, to raise the throne upon the ruins of liberty. They supposed the king would not have rejected the fruit of an attempt, in which he had not had any concern, and that he would even be obliged to gather it to hinder the kingdom from falling into a state of anarchy. They supposed that a foreign war would become necessary to send away the factious and malecontents, and to re-establish quiet within the state. They supposed he would chuse for his enemies the powers who were guarantees of the form of administration lately ruined. The

conspiracy was discovered, prevented and punished, at the end of June 1756. The guilty did not impute any thing to the court of Berlin; even those who escaped the pursuit, did not ask an asylum of it. There are strong presumptions that, without being concerned in the project, the court of Berlin promised itself to draw advantage from that revolution, if it had taken place. It was his views on this side which caused him to make to the court of Vienna that singular proposition of a truce for two years. It was surprising to hear talk of a truce, between two powers whom a solemn treaty of peace had reconciled. But the king was not ignorant of the alliance of 1746, between the two Emperesses, who promised to make a common cause against him, in case either of them was attacked. A general convention of truce for two years, had been a renunciation on the part of the court of Vienna, for that space of time, to every engagement entered into before, against the Prussian power; and the Empress of Russia attacked by the auxiliary of the new Swedish government, could not any more have had a right to the succours stipulated in the defensive alliance of 1746. The court of Berlin endeavoured to conceal this secret reason of its instances for a truce. The more he knew that the Austrian ministers guessed at it, the more art he employed to render their refusal suspected. His ministers and his writers strove to make it appear, that there was a design formed to make war, and attack the king. But they gave over the accusation, as soon as they were asked, what confidence the court of Vienna could take or inspire in a truce, the for whom and against whom, they accounted a solemn treaty, not a sufficient security.

The court of Berlin could not well know with regard to Sweden what to expect till after the separation of the states

states assembled at Stockholm. But it little feared a nation torn by factions. It judged of it as it did of Poland. The English minister at Petersburg gave him hopes that the Russians could not act against him. It doubted of the affection of the people of England. But a certain courier of the envoy Mitchel, robbed in the beginning of June on the territories of Brandenburg, had informed him that in his alarms for Hanover, his Britannic majesty would consent to many things; and to lead the English nation as far as they would the only only business was to engage it. It was little disturbed at the armies of France, which the diversion against Hanover must stop in their march against the center of the Prussian forces. It was not ignorant that the Prussian power was hated in Saxony. But it knew that his forces there were still more feared, and that the court of Dresden convinced of the inutility of its standing on the defensive, hoped to be received as a neutral by putting it out of its power, by a reduction of its troops, to infringe the neutrality.

A powerful party in the Empire promised to baffle the deliberations of the Germanic Body. It believed that the war would continue for some time, between the two powers of Austria and Prussia; and had reason to hope, prepared as it was for the attack, the Prussians would overthrow the enemy before their allies could come to their assistance; or at least that the first operations of the Prussian armies would put the king in a condition of facing them all.

It was after these combinations that his Prussian majesty briskly invaded Saxony, the 29th of August 1756. He had then a 160,000 disciplined troops. With such a body of forces it was unnecessary to proceed with all the evil pretences of chicanery, to the usurpation of a defence.

defenceless country. An unjust action, and unlawful in itself, acquires new degrees of enormity, by the strains it gives to the most sacred and generally received laws to justify it. The court of Berlin aggravated its wrongs, and left nothing to say in its excuse.

The declaration of Russia upon the usurpation of Saxony, made them adopt at Berlin methods of defence of a new nature. The courier from Cracovia to Vienna was assassinated in the territories of Poland, and the letters designed for Austria were taken away. Sir Charles Hanbury Williams, minister from England and Hanover at Petersburg, implored the generosity of the Empress of Russia in favour of the electorate of Hanover, which he said was afflicted with famine; and he demanded permission to buy for the electorate, in Livonia, corn which he intended for the Prussian magazines. A certain person named Lambert, provided with a brevet of an officer in the Prussian service, was sent to one of the farthest parts of Poland to burn the magazines of provisions and forage that the Russians had laid up there. The countries of Anhalt and Mecklembourg were conquered without a declaration of war. The opinion of being formidable and hated by the sovereign princes, who did not join with her, carried the court of Berlin to treat as enemies all that came within its reach. His Prussian majesty made war, as if he was determined to die in it, or sure to end it without being called to account for its operations. After the usurpation of Saxony, that monarch had committed more outrages, caused more loss and damage, than he could repair. He determined himself by reflexion, for that side, which the English had taken through pride and animosity. He respected no body.

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Both having chose their enemy, determined to surprize him. They both fell all at once upon him, without any regard to the established law of nations. Both consulted only their own convenience in their hostilities; and they regarded ancient treaties and later conventions, only as far as they could accommodate them to their own interest. Resolved only to yield to force, they held every thing lawful, that they had power to execute. The most moderate historian cannot, without being deficient in truth, extenuate these accusations.

The foundation of the quarrel between France and England is of a nature not capable of being decided but by arms, because the two powers have an equal interest in not desisting from their pretensions. The most able men of the two kingdoms, have made the best of their respective arguments; but have not convinced their antagonists: it would be rashness to determine between them. But if each of the two nations could adjudge itself in conscience the gain of the cause as to the grounds, it is quite otherwise as to the form. The English writers themselves are content to excuse their proceedings.

The hostilities committed without any declaration in America against the French, who trusted to treaties, in a word, the war made in a time of full peace, appears to themselves a monstrous irregularity, which they would have entirely condemned, if it had not been dictated by the intention and hope which his Britannic majesty had to terminate by it at one stroke the differences in America, and to spare Europe, by this rapid execution, the contagion of the war of Canada. Indeed if admiral Boscawen had succeeded in destroying all that the French had

had then at sea, general Braddock, conformably to his instructions, had crushed the French on the Continent of America, before they had put themselves in a posture of defence; France must have quitted, at least for some time, maintaining its pretensions to a country where it must have begun to re-establish itself; and its marine being absolutely destroyed, would have been obliged to smother its resentments, till it had created a new one; which would have insured to Europe many years of Peace. The intention of the British ministry was to extinguish the fire, by quickly consuming the fuel that kept it alive. But admiral Boscawen, did but weaken the marine of France. General Braddock suffered himself to be surrounded by those he hoped to surprize. From that time the war in America was on an equal footing, and the French marine did not despair of being able to defend themselves at sea. The English policies, which success would have excused, had nothing to disguise its injustice; it was judged hardly of by most of the powers of Europe; and its old allies believed they did enough in its favour if they did not openly condemn it.

The court of London knew the discredit it was brought into, and flattered itself with recovering it by some coup d'eclat. It published that it was upon the defensive against France, it pretended that the thing was demonstrated, and as if it was a fact above all objection, at the same time that it demanded of the republic of Holland the succours stipulated in the like case, it sent its ships into the Meuse to embark there 6,000 auxiliaries. This was a stroke of genius. In a state governed by many heads it is proper to hurry on a resolution on doubtful points; it is certain to miscarry if they give time for reflection to wise and clear sighted men. But the republic was already prepared. The indiscreet zeal of one party had

Sept.

1759.

And POLITICAL MERCURY.

33

had raised a distrust in the other. Every one came to the assembly with his opinion already fixed, and the result was that England was not in the case that required them to send succours. Six cities of the province of Holland held out against the whole body of nobles, and thirteen other cities of that province. It was in the month of March 1756, France made powerful armaments in her ports on the ocean and in the Mediterranean. The bulk of the English feared at the same time an invasion in the three kingdoms, and an expedition against Minorca. But the government pretended to be no ways uneasy about the first. It being the interest of the court to have an army in the country it obtained of the parliament to call in mercenaries, in default of the allied troops, for the defence of the two islands. It was silent as to Minorca, and its silence was sincere. It was so far from suspecting that the court of France dared to attempt any thing on the offensive in Europe, that a considerable person in the privy-council, took the embarkation of marshal duke de Richlieu, as a new proof that the French were reduced to the last extremity in America. He maintained, that nothing less would do than so great succour under a commander of character and rank, to raise up the courage of their Canadians. The admirals Byng and West departed from the ports of England two days after the marshal left the ports of Provence with the fleet. They had not passed the Streights when he had already made himself master of Mahon, and formed his attacks against the fortrefs of St. Philip; and the British squadron seemed to have been equipped, not so much with a view of fighting, as a certainty of frightening the French fleet. Minorca was conquered the 27th of June. The loss was imputed to Byng, who payed for it with his head; and to satisfy the resentment of the nation,

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the court punished the governor of Gibraltar, for having too punctually followed his instructions. This officer, whose commission enjoined him not to weaken the garrison but by an order under the great seal, refused some battalions to admiral Byng, who only produced an order under the privy seal. They made him accountable for the consequences of his refusal. The council of war suspended him for a year, and mulcted him six weeks pay; the king cashiered him.

Already the British ministry had the same system of politics for foreign affairs as the court of Berlin. Without regard to the welfare of other states, it endeavoured to put itself above their resentment. It was changed in December 1756. Mr. Pitt, was at the head of the administration, and had given the principal employments to his friends and relations. This minister knew the strength of his country, and the prejudices of his countrymen, instead of being confined like his predecessors in the use of the one and the other, by engagements with the court, he found a particular satisfaction in availing himself of these prejudices to put all the forces of the kingdom in action. His hope was founded on the animosity of the people; and he perceived that to carry it to its highest point he must fix it to this sentiment alone. The inveterate hatred against France was sufficient without doubt to inflame their minds. But that passion was to be nourished by the hope of spoil, and this spoil was but very moderate, if the neutral powers, allowed by virtue of their neutrality to carry on a trade for France, put her in a condition to appear at sea, only with vessels fit for fighting. From that time the neutral states were treated much upon a footing with enemies. Their complaints and their threatenings were received with an equal indifference. It was out of pure com-

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complaisance to the English party in Holland, that the British ministry did not publickly disown the modifications proposed to the republic: It was wished that the States had had less patience, for in augmenting the dangers of England, they would have strengthened the moving spring of the English nation. Mr. Pitt had at first given this spring all its play, by an operation which had made him tribune of the people. He had declared that he would free the nation from foreign subsidies, of which they impatiently bore the burden; and he kept his word in abandoning to themselves the king of Prussia, and the electorate of Hanover. Having satisfied them in this first prejudice, he presently drew an advantage from the other. For a long time the English had believed themselves powerful enough not to stand in need of any but their own forces against their enemies, and they thought the empire of the sea was sufficient of itself for this purpose. This dextrous minister gave them the empire of the sea as their only interest and proposed to them to direct all their efforts towards this object. He was unanimously applauded. All degrees in the kingdom gave themselves up to hope. Acquisition appeared certain; they troubled their heads but little about what it must cost, because they thought themselves sure of being abundantly indemnified by the acquisitions that would be made. Thus it is that one man only changed the face of the British affairs. France was not prepared for an enemy who braving every method and breaking every measure attacked her desperately. The powers interested in the freedom of the sea, were as astonished as France, and would not risk opposing a torrent the impetuosity of which could not be of long duration. France was contented to confine it in its course, as much as she could, and the other powers delayed to

revenge its ravages till the lessening of its source should take away the fear of its return. The court of London saw with chagrin its system reversed by its minister. It could not believe that the affairs of the Continent ought to be so indifferent to it; and it thought the nation powerful enough to divide itself with success between one and the other. Mr. Pitt paid for his obstinacy with his disgrace. But that only rendered his person and administration more dear to the people, his assistance more necessary to the court. They complied too much in capitulating with him, to make him reassume his post. He entered upon it again the end of July. Europe had not had time to recover itself from the alarm which his politics had given it. In Sweden, Denmark, Holland, Zealand, Flanders, and even in Italy itself they feared a minister who admitted no other rule of his operations but his convenience. The king of the two Sicilies and the Grand Duke took precautions for the security of their ports. Sweden and Denmark in conjunction sent a fleet into the Baltic. The States of Holland proposed to add more vessels, to the twelve they had ordered to be equipped the 11th of January this same year. The Empress Queen trusted to the French troops the keeping and defence of the cities of Ostend and Newport.

By this capitulation with the court Mr. Pitt had engaged to relax of his indifference to the affairs of the Continent. The electorate of Hanover, and the king of Prussia, had great need of this sudden conversion. But the minister owed to himself to contrive and to bring on by degrees his change from one extreme to the other. He could not or he would not prevent the embarrassment out of which the duke of Cumberland got by the convention of Closterseven the 8th of September 1757. As a recompence he was ready to countenance the infraction
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of it two months after. He made the best of the victories of Rosbach and Lissa to the people of England, who grew so fond of the conquering monarch, as to receive with enthusiasm a plan of a subscription, for a gratification for the Prussian troops. This same people who had requited in January 1756, the refusal of the subsidies promised to the allies of England, this people to whom their favourite had hardly dared propose in February of the same year, a gift of 20,000l. sterling, for the defence of the electorate of Hanover, received with acclamation in February 1758, a treaty of alliance and subsidy confirming the old ones; and the 12th of August following a new convention, which agreed to pay to the king of Prussia two millions sterling for his alliance of three years. General York was sent on purpose to his Prussian majesty to tie these new knots. Mr. Goodrick was to go from Silesia to Sweden in quality of minister from England, with instructions from the king of Prussia. This prince became the soul of the British council, and master of the Hanoverian army, which was reinforced with 10,000 English. The court of London, at first domineered over by its minister, succeeded in either getting the superiority over him, or in gaining him over them: The thing is not without example; and the earl of Bath, (formerly Mr. Pulteney) furnishes a recent one. But the minister is become a courtier without ceasing to be a favourite of the nation: This fact is singular in the history of England.

The allies of the two kings, electors, had they had more considerable forces, and the situation of their dominions been in a less forced dependance on these two courts, had yet taken so strong engagements with them, that they were less in their alliance than in their service. Nor did they conduct themselves but on their principles,
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and according to their instructions. The landgrave of Hesse and the duke of Brunswic subscribed to the convention of Closterseven on the 8th of September 1757, which appeared to the king of England, in his quality of elector of Hanover, the only way to save his son, his dominions and his army. It is probable that they subscribed with sincerity. The landgrave of Hesse convinced that every thing was finished with respect to the electorate of Hanover, to whom he had hired out his troops, sought of France the subsidies which were necessary to keep them on foot. The treaty which he offered the 18th of September 1757, consisted of 10 articles. In the second his serene highness renounced all intelligence with the enemies of France, and its allies. In the third he promised his suffrages and offices in the empire according to the instructions of the court of France. In the fourth he presents his troops to France to serve her against whom she pleases; except only his Britannic majesty. In the 10th his serene highness assured himself of the assistance and protection of France, against the enemies whom this convention might draw upon him. By letters couched in the strongest terms to duke Ferdinand his brother, the hereditary prince his son, and the regency of Hanover, the duke of Brunswic proved that he would really purchase at the price the conqueror should put, the return of his troops. But as soon as the two kings, electors, had declared their resolution, of breaking the convention of Closterseven; as soon as they had made it known they were in a condition to maintain this infraction: The duke and the landgrave drawn by too powerful allies, did not delay to adopt their reasons, and to justify themselves by their example.

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And POLITICAL MERCURY.

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Powerful in the assembly of the States General, by the princess governante, and the numerous party that her royal highness had there, the British ministry made a jest of eluding the complaints and braving the resentment of the maritime provinces. The illness of the king of Spain rendered them quite easy about the employment of the forces of that monarchy. To give the people the better opinion of them, they dissembled the reason of their security in this respect, and boasted they could embarrass the heir of Ferdinand, by giving him a competitor. But that languor in which the malady of the king kept the court of Madrid, and the misfortunes and intestine divisions of Portugal were what made them brave the opinion people had conceived of them in these two states. For some time the court of London had amused the people of England with a treaty of alliance offensive and defensive with the king of Sardinia. From time to time, they made them hope that Russia would detach itself from the alliance of Versailles. Their politics like those of the court of Berlin, had neither any grand object, nor any extraordinary manœuvre. The two courts placed their confidence and all their resources in the force of their arms.

C H A P. III.

An Account of the Operations of the Marine since the Commencement of the War.

IF we were to date the beginning of this war at the first hostilities committed in America, it would be very difficult to fix the epocha. The French at first go no higher than the murder of Jumonville, the 23d of May 1754. The English cite the burning of their factories of the Blockhouse and Truckhouse in Virginia in the month

month of October 1753. The French then give out as the first step taken in breach of the peace, the building of the fort of Oswego, raised by the English in 1727; the English do not place their first grievance till the year 1753, which they draw from the erection of Fort du Quesne. Some little wooden forts in a country almost a desert in North America, appeared to be a subject hardly worthy of arming the two most powerful nations of Europe. But the object of the quarrel seems of the greatest importance, when one observes that these vast regions of North America have very little riches for Europe, but the produce of the commerce with the natives, who are exiled to these deserts. It is the hunting of the savages which makes the basis of the commerce of North America; and the ancient possessions of the English and French have been so badly divided, that one of the two nations, cannot get the better in respect to its rights and pretensions, without entirely cutting off the commerce from the other, or depriving him of the gain. Canada which belongs to the French, extends a great way into the Continent. It is contiguous to those deserts and vast forests inhabited by the savages. The commerce between the French and the savages must naturally arise from this neighbourhood, and was nourished and improved by the favour of it. The English are in possession of the countries next the sea; and the high mountains which are on the back of them form, if one may so say, a barrier between them and the savages. Even though the savages had an affection for the English, yet the difficulties of the journey would give them a distaste to that correspondence, and it would be only by paying a much higher price for their furs, that the British colonies could obtain the preference over the French. Commerce on this footing could not long maintain its rivalry,
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ship, every thing being equal in other respects. But the English have a direct and easy communication with Europe by sea; and the French of Canada cannot send any thing to France or receive any thing from France, but by the river St. Laurence, of which the navigation, always long and dangerous, is not open for more than half the year. The English are then certain to regain on one side by their commerce in Europe, what they loose on the other; while the French loose in Europe the advantage they have in their commerce in America. Such was the state of things, when Canada was not acquainted with its communication with Louisiana, another French colony. The Canadians have discovered at last that by lakes, the river of St. Laurence, and the river Ohio, Canada and Louisiana might assist each other, and that the Mississippi which runs into the sea, presented to the two colonies an opening uninterrupted all the year for their concerns with Europe. This line of communication is a curve line which hems in all the British possessions by being on their backs; and which by passing some times across, sometimes on the borders of the countries inhabited or frequented by the savages, seems like a net stretched out to intercept all that they carry to the English. The revolution that this discovery caused in commerce was soon felt. The French had in their favour the convention which the sovereigns of Europe have made among themselves, to acknowledge the first occupier for the true proprietor in the three other parts of the world. The English pleaded a law perhaps very just in itself, but which is not admitted into the practice. They pretended to have a right to dispute the lawfulness of an acquisition entirely destructive to them. The courts of Versailles and London appeared at first ready to prefer the law of nature to the

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convention. They jointly endeavoured to find out modifications, and to settle by a reciprocal condescension contradictory pretensions. The two kings would probably have distinguished their reign by a new testimonial of their love of peace, if all their commissaries had as well adopted their intentions as they knew them; if they had endeavoured to have made the convention and the law correspond together as much as possible, discurfed rather the nature and spirit, than the titles of the respective pretensions, they would have quitted the old division of North America between the two nations, to make a new one, in which the exchanges skilfully managed might have rendered the fruits of the new discovery common to both nations. Unhappily Mr. Shirley having too high an opinion of the forces of England, thought it was more easy and more advantageous to take from the French their acquisitions, than to agree together on a partition. His vigorous imagination formed the plan, and his warm disposition directed the execution. The trade with the savages becoming exclusive to the English, ceased to be disadvantageous to them; and it became exclusive as soon as they cut off the communication, newly discovered, of Canada with Louisiana and with the sea by the Ohio, and its ancient communication with France by the river St. Laurence. The French of Canada would become the factors and brokers of the British colonies, if they preserved their settlements; or else superior forces would oblige those, who they had not entirely destroyed, to capitulate for their return to Europe.

This plan presented to the duke of Cumberland by Mr. Shirley, was relished by the British ministry, then guided by Mr. Fox. That prince gave his military instructions to those who were charged with the execution.

General

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General Bradock received them in November 1754. They were found in the original among his papers, after his defeat the year following. During the time the two courts seemed wholly employed in finding some means of an accommodation, the forces of England went to America and divided among them the projected operations. Four little armies were to act at the same time. And marching by four different routs to the rendezvous, which was the center of the possessions and of the forces of the French, each was to clear the country of the French who had settlements there; to take and destroy the forts which covered Canada, and finish the conquest, before the news of their enterprise could reach Europe. The sanguine disposition of Mr. Shirley did not allow him to suppose any obstacle. He had reckoned upon the successes of each of the four armies; and the grand blow which they were to strike together, was resolved on with so much confidence, that it must fail if either of them was not exact to its time. Louisbourg was to be blockaded, and the gulph of St. Lawrence shut up. Mr. Shirley was to be joined by general Bradock at Oswego, when master of fort Du Quesne, and of the lake Erié. The two armies were to subdue the forts of Niagara and Frontenac, to come near the fort of Montreal to join the army of Mr. Johnson, who having left a garrison in Crownpoint and other forts, should have been joined above lake Champlain by the fourth army for the conquest of Fort Sorel. The four armies being united, to march to Quebec. The success of the first operation reduced to nothing this magnificent plan: General Bradock intercepted in his march near fort Du Quesne, was beset by a band of French and Indians, who entirely destroyed his little army. Mr. Shirley too weak then to undertake his projected con-

quests, and even to dare to keep the field, sent to acquaint his two colleagues with his retreat, and advised them to do the same. The English squadron which was to shut up the gulph of St. Laurence, block up Louisburg, and transport into Europe those French who would not submit to the British government, dispersed themselves on the seas, to intercept the supplies which were coming from France to the Canadians; to take merchant ships, and to render the re-establishment of its marine more difficult to France, by making its sailors, who were without defence, and in the security which peace inspires, prisoners of war. The French of Canada from a desperate defensive war entered on a very very brilliant offensive one.

The court of Versailles astonished Europe with its patience. The English imputed it to weakness, without appearing to care how much the contrast prejudiced every body to their disadvantage. M. de Mirepoix ambassador from France at London, had demanded in January 1755, the cessation of the violent means made use of in America. It was promised him. But when they thought their success sure, and the four armies entered on action, they demanded of him, that first of all, things should be put on a footing according to the terms of the treaty of Utrecht. This was to judge the cause even before the examination of it, and to inform the French that they would be allowed no compensation for their discovery. For a whole year, France opposed not, but with writings and remonstrances. But the preparations she made in her ports, foretold that she only brooked so many affronts, that she might revenge them with more éclat. In the month of January 1756, there were already 8000 of her best sailors in the prisons of England. The state of her marine considered, an accommo-

commodation the least favourable would have been of advantage to her, provided it had only been provisional. Resolved to build ships, and to breed up seamen, it had occasion for all those assistances which peace alone can give for changes of such consequence, which concern the noblest parts of the interior administration. The English guessed at it; and they perceived that as two or three years would give them strength to reclaim these extorted cessions, it was necessary for them to draw her out of her feigned moderation by the obstinacy of their insults, and to make them drop at any rate their design of so dangerous a delay.

The people were irritated in France, and demanded that they would attempt to save by an honourable war, the remainder of their marine and commerce, which a longer patience would suffer to be brought to nothing. The court only waited for this disposition in the people. It spoke and wrote with resolution to the British ministry upon its wrongs. and upon the satisfaction his most Christian majesty required. Prepared for a refusal, it had made its dispositions to resent it.

It was in January 1756, that the court of Versailles received the idea and plan of an expedition upon the island of Minorca. The conquest was in itself of very little consequence to France. But the loss was of great consequence to the English, who from that time could not preserve their commerce in the Levant, but by maintaining a powerful fleet in the Mediterranean, which it had been absolutely impossible to have kept there, if a French squadron always at sea, or ready to put to sea, had secured the powers of Italy from any ill consequences attending the refusal of their ports to the English. An armament was equipped at Toulon with a dispatch which did honour to the admiralty of France.

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It consisted of 12 ships of the line and five frigates, with some transports. The duke de Richlieu who was intrusted with the command of this expedition, put to sea the 8th of April, and landed his men in the bay of Citadela the 18th. The English being surprized, abandoned fort Fornel the 19th. The French army consisting of between 12 and 14,000 men encamped the 20th at Marcadal. The artillery marched the 21st, while the commander of the fleet Gallissonniere went to block up the grand harbour of Mahone. The marshal duke arrived the 22d before the city which gives name to the harbour, and was master of it the same day. The English shut themselves up in fort St. Phillip, and the other forts belonging to it. This fortress is one of the best in Europe. Defended by a good garrison, and by officers who understood their business, it would have obliged an army much more considerable than that which now lay before it to raise the siege. But the English being too secure, had neglected to provide for its defence. The colonels of the four regiments of the garrison were not in the island; and they had not been over careful in keeping their corps complete. The place had for engineers, only two officers of infantry, who had any knowledge of what relates to artillery. The governor was a man respectable for his great age, but incapable by his infirmities to perform the duties of his post; almost alway confined to his bed, he could not inspire confidence and boldness in his garrison. His defence of Sterling castle against the young pretender in 1746, had raised his reputation at London; and his reputation (which he has maintained hitherto by the address of the then British ministry, and the death of admiral Byng) had a great share in the success of the French army. It kept the English in their security. Of such

such a number of vessels which were in their ports or at sea, they ordered but 20, and those badly equipped, to succour general Blakeney, and they thought it soon enough for them to go on the 7th of April. Admiral Boscawen was sent with a better squadron to lie before Brest, to brave the French by a useless blockade. The admirals Byng and West appointed to relieve Minorca, did not pass the Streights before the 27th, and there was wagers laid in London, that they would bring back prisoners Mr. de Richelieu and his little army. They touched at Gibraltar, the governor of which too punctual to his instructions, refused to put two battalions of that garrison on board their vessels. The two admirals were the 22d of May in sight of Minorca. Fort St. Charles was already taken, the trenches were opened the 10th before St. Philip. Mr. Galiffionere, whose orders were to prevent any succour from entering the island, went to meet the English squadron, rather with an intention to bar up the way than to fight it. Admiral Byng equally attached to his purpose, would not fight against an enemy who intended to retreat, and who resolved to defend himself in a manner that would leave his conqueror in a situation to attempt nothing. He endeavoured to draw off a part of the French fleet, which he hoped to disperse; and his design was to send away the ships which had beat the enemy immediately after that advantage; while with the rest of his fleet, he made head against Mr. Galiffionniere. He did not succeed; and he appeared to his countrymen guilty of cowardice, for which they condemned him to death. They would have pitied him more if he had not been the promoter of that rigorous law by which he was tried. This vehement accuser of the admirals Matthews and Lestock in another war, maintained that a sea officer deserved

deserved death when he did not do all that he could. As he had taken the more prudent step, the people of England were pleased to think that he would have succeeded better if he had taken the more courageous one. The proof of the contrary was scarcely possible to a nation naturally more courageous than circumspect, and he was condemned according to the due course of law.

Byng's retreat was on the 20th of May, three days before his Britannic majesty had published a declaration of war against France, who had answered no otherwise than by re-establishing the port of Dunkirk. The siege of fort St. Philip, lasted till the 27th of June. Jeffries and Cunningham who voluntarily served as engineers, had let the besiegers approach, although the greatest part of the works remained intire. Marshal de Richlieu, thought that men so full of confidence in their walls, might not have taking the proper precautions against an assault, and he resolved to make one. Fortune seemed to declare for him by letting Mr. Jeffries fall into his hands, the man whom Blakeney most confided in. This officer was taken in a fally precisely the night before the day appointed by Richlieu, for the general attack. In fact, the 27th of June the three principal forts were carried sword in hand. They were defended with bravery. But as they were attacked with as much conduct as courage, it was not an equal match. France braved and provoked a whole year by an enemy infinitely superiour, revenged herself of him at one blow, humbled him, and covered herself with glory. Within only sixteen days after she had answered the defiance of England, by a declaration of war, she took from her one of her most valuable possessions, if I may so say, before her eyes. It was a very favourable omen, for her operations against her in more distant countries.

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The British ministry imagined they could disguise it to the English nation, by opposing to it the ridiculous account of the taking the isles of Chazey, in the beginning of July, by commodore Howe. These little islands hardly known by French geographers, and which till then were not to be found in the English maps, are two rocks near the coast of Aunis. The farmers of France have upon the least a lodge for a body of their officers, stationed there to prevent a contraband trade. The largest contains about fifty poor fishermen's huts. Except firing the tower guns, they celebrated at London, the conquest of the islands of Chazey, as a revenge for that of Minorca. At Paris they call it the parody.

The court of Versailles found unknown resources to maintain its glorious beginning. They set to work in all their ports, and added to their own some thousand foreign workmen in the dock-yards. The taking of the famous fort of Oswego in America, proving the superiority of her land forces, permitted her to give herself up entirely to the care of the marine. At the end of December, she sent a powerful squadron from port l'Orient, equipped by the East-India Company. The treatment which the officers and soldiers who embarked received, encreased their emulation and zeal. Mr. Lally, general of the land forces, had an appointment of 100,000 livres. The officers and soldiers, besides double pay till their return, received a new cloathing, suitable to the climate of the Indies. The vessels well stored with ammunition and well rigged put to sea, and got clear without any hinderance. A royal squadron departed from Toulon the 27th of January following. Another went the 30th for the great and little Antilles. In the beginning of April there were seven squadrons equipped.

Their commanders were d'Aché, de Beaufremont, de la Clue, de Conflans, de Foligny, de Salvert, and du Revest. The British ministry who struggled against Mr. Pitt, was at last obliged to give way to this favourite of the English people; who made it his principal care to put all the maritime forces of that nation into action. France was presently obliged to return every where to the defensive, except in the Indies, where the squadron of M. d'Aché, acted offensively against the English squadrons, while M. de Lally was preparing, by the conquest of the province of Carnate, for the attack of Madras, the principal establishment of the English in Asia. There were in all the ports of England, considerable armaments, which the new minister knew were of no other use there but to consume the public treasure. In September a fleet of thirty ships of the line, and near two hundred transports, on board which were embarked twelve thousand soldiers, sailed from Portsmouth, and went to attempt a descent on the coast of Aunis. They promised themselves at London, the taking and burning of Rochefort. This expedition did not prove so fatal to the French. Admiral Hawke and general Mordaunt, thought it best to return to the English ports, after having took, ruined, and quitted the little island of Aix. This operation which answered so little the greatness of the armament, did not discourage Mr. Pitt, while he caused troops to be transported to America, he sent large squadrons to block up the ports of France, and in the spring of the year 1758, he sent out at the same time three fleets, who were charged with three different commissions of equal importance. Admiral Boscawen, was to conquer Isle-Royal or Cape-Breton. Admiral Holbourn, was commissioned to secure the navigation of the Mediterranean. The admirals Hawke and Howe, had

had it in charge to intercept the neutral ships, which traded with France, and to make descents on the coasts of Normandy and Britany. Admiral Boscawen fulfilled with as much success as honour the whole of his instructions. Admiral Holbourn, kept M. de la Clue, in the port of Carthagena, and took two of four vessels with which M. du Quesne, was going to join this chef d'escadre. The two other English admirals performed part of what they were sent to execute. They alarmed Britany and Normandy. The troops which they landed the beginning of June at Cancalle, put the French in fear for St. Maloes, one of the suburbs of which was reduced to ashes, by the fire of the cannons and mortars of the vessels. About sixty merchant ships most of them neutral were consumed, and the reembarkation made without any loss. The fleet in the beginning of August, covered another descent near Cherbourg, in Normandy. The English troops were on shore from the 7th to the 16th, and they employed that time in demolishing the port of Cherbourg, one of the finest and most useful works of this reign. Emboldened by these successes the English admirals, made a third debarkation more considerable than the others, not far from Morlaix. But the duke d'Eguillon, gave them a different reception from that which they had at Cherbourg. He fell on their rear-guard the 11th of September, and by the loss which he occasioned to them of three thousand men, put them out of humour with these kind of expeditions. The English troops on the continent of America were not more successful. M. de Montcalm, beat general Abercrombie, in July 1758, near fort Ticonderago. But the island of Cape-Breton, was in the same month subjected to the British government, by the taking of Louisbourg. Admiral Boscawen was admirably well

seconded in his siege by the general and officers of the land forces. The works before the place were worthy of the greatest men in the art of war : As yet we are not capable of judging of the defence of the besieged. The loss of this important key of the Gulph of St. Laurence, hath caused a revolution in the affairs of France in America.

Some of the English squadrons have blocked up the fleets of France in their ports ; while others have attacked their settlements in Africa and the Antilles. The new minister of the marine in France had scarce took his seat at the head of the board, when he received the news of a loss no less fatal to commerce, than that of Cape Breton. Towards the month of July 1756, the board of admiralty had prosecuted an expedition against the English settlements on the coast of Guinea. A little squadron was armed for this purpose. It set out from the ports of Britany in November, under the command of Mr. de Kerfaint. But this squadron employed itself in disturbing the Negroe trade, destroying some cunning houses, and not finding themselves in a condition to attack the forts, it returned to Brest at the end of 1757, after having left at Martinico and other places, about 1300 Negroe slaves which they had taken from the English. The British minister knowing the weakness and importance of their establishments on this coast, was afraid of a second expedition, and determined to take from the French the island of Goree and their possessions in Senegal river, places which put them in a state of acting offensively, by furnishing them with a port and magazines. They depended in France, on the natural strength of the little island of Goree. But it held out but a day against the English squadron ; and the 30th of December 1758, the garrison surrendered by capitulation.

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tion. The 9th of May the year following, Gaudeloupe, the second of the little French Antilles, underwent the same fate after a defence of three months. St. Domingo and Martinico were the only possessions that France now had in these seas. The court of Versailles still kept in the port of Martinico a squadron of nine ships and two frigates, under the command of Mr. de Bompard; and the English grew cool upon the design they had to attack this island. France has felt that it was impossible to put her marine in a state that was necessary to recover its losses with common armaments. She has projected an invasion upon the three kingdoms; and she makes no secret that it is by the success of her arms in Great Britain, that she hopes to do herself justice for her pretensions and losses in America. They work with singular ardour in the ports of Britany and Normandy. The troops ordered for the embarkation, are at their stations. There has been invented a kind of transport boats, swifter and more commodious than the old ones. The English ministry seem by their defensive preparations, to have some opinion of this project of an invasion. They omit nothing to disconcert the one, and disturb the other. Two powerful squadrons form, since the beginning of the season, the blockade of Brest and Toulon; a third, not so large, blocks up Dunkirk; and a fourth, yet weaker, has been ordered to destroy by a bombardment the boats which are building at the mouth of the Seine. Admiral Rodney who commands this last, came before Havre de Grace, the 3d of July, and he returned to the ports of England the 8th. According to his report which the admiralty made public, he had ruined the French armament. According to the letters from Havre, he had damaged three boats, and burnt a lodging house. The 29th of August he returned with

a great number of bomb vessels, but he was received by the flat bottom boats, armed with canon, which hindered the approaching of the frigates

For these three years the squadrons of Russia, Sweden, and Denmark, have been guarding and securing the navigation of the Baltic, where the English have not thought it necessary to send any ships of war. Last February the admiralty of England reckoned at sea and in the ports of the three kingdoms, 230 kings ships, of which more than 120 are of the line. France in the most flourishing times of its marine, has not had more than 100 ships of the line, and 60 frigates.

The republic of the United Provinces, ruined by factions, decrees armaments, the expence of which it leaves to the province of Holland, who is frighted at it. It seems to think that the marine of France cannot be entirely crushed, or that of England maintain that empire of the sea which its success in this war has acquired. Portugal and Italy can do nothing, and it is not known what the new king of Spain will do.

C H A P. IV.

A Recapitulation of the principal Military Operations to the first of September, 1759.

THE court of Dresden was intirely in a state of security in the middle of the year 1756. She had disbanded a great number of her troops; and a considerable part of those she kept on foot was in Poland. Her artillery was in the arsenals, and not a magazine formed throughout the electorate. Count Rutowski, field-marshal of Saxony, re-assembled and united the troops

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And POLITICAL MERCURY.

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troops that were dispersed in their quarters. Three days after that the Prussian armies had entered the electorate, he placed himself with 15,000 men, the whole of the Saxon army, in a camp between Konigstein and Pyrna, which by the strength of its situation made amends for the superiority of the Prussian troops. The king of Poland repaired to this camp the 30th of September; a train of artillery came there from Dresden the same day. In the account given of their provisions gathered in haste since the 28th of August, they found that this little army had subsistence enough for 15 days. They reckoned on an accommodation between the two kings. They fortified themselves in their camp; they lessened the rations one third; they researched the villages which were within their reach for more; they were in hopes of subsisting till the end of September. 'Till the 10th the king of Prussia let them flatter themselves with the hopes of a treaty of neutrality. But when his van had penetrated into Bohemia, he declared that he would allow the king of Poland to take no other part, but that of uniting his interest and fortune with him. The refusal caused him to treat Saxony as an enemy's country: He he resolved to block up the Saxon camp, as it was not to be forced. The king, elector, was determined to hold out to the last, to join his little army to the Empress Queen's, after having stopped their common enemy before his lines, as long as he possibly could. Count Rutowski concerted this affair with marshal count Brown, who commanded the Austrian army, which assembled in Bohemia. The blockade which the Prussians had made about the camp, left no opening but a defile almost impracticable. The Saxons flattered themselves they should be able to surmount these difficulties. A bridge of boats was to be flung over the Elbe under the

the protection of the fortress of Königstein. This little army having attained the height of Ebenheit, was to divide itself into two columns, one of which leaving the mountain of Liliestein on the left, was to march towards Proffen, while the other should attack the abatis of the woods of Liliestein, and march, making head against the Prussians who were come from Pirna, to form the rear-guard of the army engaged in the defiles till it arrived at the heights of Scandau. There the Saxons were to find 12,000 Austrians with which they should have gained the camp of Budin. This retreat was fixed to the night of the 11th of October. In order to hold out till this time, the rations of bread were lessened, the horses reduced to mere pasture. Marshal Brown was desirous of advancing on the day appointed: He went from Budin to Lowozitz, to disturb the king of Prussia on the side of Bylin and Brix, while by a shew of an attack upon Hennerdorf, the Saxons were to appear resolved to disengage themselves by their left. This motion brought on the battle of Lowozitz the first of October, between the army of marshal Brown and the Prussians. This engagement did not change their design. It was on the 10th or 11th that they were to get the boats up that were at Pirna, in order to make a bridge of them near Königstein. Count Rutowski went to attack the Prussians at Wukstadel where they shut up the passage of the Elbe. They were forced from their post. But a storm hindering them from getting the boats up, they were obliged to transport by land the pontoons which were at Pirna. That caused some disorder and retarded the building the bridge. They dispatched an express to count Brown, to desire him to stop his march 24 hours. This general was on the march towards Lichtenhayn, when he received this billet. The Prussians who could

no longer be mistaken on what side the retreat was designed, reinforced all their posts there, so that count Brown, who was to march to Schandau, could not advance farther than Lichtenhayn, where he encamped opposite the Prussians. In the night between the 11th and 12th, the Saxon army defiled on the bridge which it had hung under the canon of Konigstein. A terrible rain fell. The ways were spoilt, the horses wore away by hunger, could not move; the artillery stuck in the dirt, and stopped up the passage; the grenadiers and the rest of the infantry undertook to clamber up an impracticable mountain, even the cavalry attempted it. It was four o'clock in the afternoon, and they had been on the march 17 hours, when at length they arrived on the height of Ebenheit. They formed themselves into many lines there; and dispatched an express to count Brown to concert with him the precise time of the double attack of the Prussian posts. The wind was so high that the signals of the cannons, agreed upon, could not be heard. They persuaded the king to return to the fortress of Konigstein, not to add to the misfortunes of Saxony by hazarding his own person. The 14th at seven in the morning, an express from count Brown brought word that he had not been able to get beyond Lichtenhayn. The Saxons had been 72 hours under arms without taking any nourishment. They had still five hours march before they got to the enemies last post, which was defended by two others, fortified with trenches and redoubts. Count Rutowski held a consultation in a new council of war, who were unanimously of opinion to capitulate with an enemy whom it was impossible to get at to fight. This little Saxon army surrendered prisoners of war.

This was a terrible misfortune to Saxony. But the enemy found an interruption to the joy it gave them. While the king of Prussia was detained by the Saxons, count Brown, and prince Piccolomini had assembled and formed two armies. Bohemia was shut up against him. The king of Prussia, who in England and Holland pretended to the honour of a complete victory at Lowozits, was obliged to return into Saxony, and take up his quarters there, which he did not leave till the 10th of March the following year 1757. The dispositions for this campaign announced great events.

A Russian army assembled at Riga since the month of December, was marching across Poland for Pomerania and Prussia. France made preparations to enter Germany with a powerful army. The Empress had two in Bohemia, one of which was under the command of count Brown till the arrival of prince Charles, and the other was commanded by marshal count Daun. Count Brown had directed the establishments of the posts which were to cover Bohemia. He was told, that some of them were not so good as they ought to be, but he could not believe himself to be mistaken. His error was attended with terrible consequences at the beginning of the campaign. The king of Prussia divided all his troops into five armies, four of which were destined for Bohemia, and the fifth for Prussia and Pomerania, under the command of field-marshal Lewald. The four armies marched at the same time for Bohemia, that under the king's orders by Aufing, the prince of Dessau's by Egra, count de Schwerin's by Silesia, and the prince of Bevern's by Reichenberg. Reichenberg was a post of consequence, and that which the Austrians had endeavoured to make marshal Brown have a distrust of. It was

was forced the 18th, and all the others which it uncovered were necessarily quitted. Prince Charles arrived at the army while it was assembling, and he conducted it towards Prague, where all the Prussian troops were to join. His royal highness encamped in sight of this city, opposite the mountains of Wischerad, and proposed to wait till count Daun joined him, with the army under his command. The king of Prussia hazarded every thing to prevent this junction. He offered them battle the 6th of May in the morning. The plan of this monarch was to keep the left of the Austrians in awe, and to extend the corps of marshal de Schwerin so that it should flank the right which opposed him. The battle began on the right, and the prince had the advantage there. His grenadiers broke through the first line of the Prussians, and pierced to the second. Marshal count Brown was wounded, and obliged to leave the field. As his left could not be attacked, the prince drew from thence, as many men as he could, to reinforce his right, where he perceived that all the action would pass. But the Austrian cavalry did not maintain its former reputation. Their general who thought the battle put off till next day, was pressed in point of time by the repeated orders of the prince, and by the attack of the enemy. The squadrons drawn up in a hurry, sustained but two charges, and went off at the third. The flank of the infantry was exposed. The prince took all the second line of the center, to reinforce his right afresh, and not being able to restore the battle, he fell back on his center, and carried it with the left and a part of the right into Prague; which was the preservation of this capital, and of the kingdom. The king did not reap from this victory the fruits he had promised himself. He detached the prince of Bevern with 25 or 30,000

men against marshal Daun, and he made the city of Prague his principal object, which he reckoned to take with the prince and the 30,000 men his royal highness had with him there. Marshal de Schwerin was killed in the battle. The other generals in whom his majesty confided, were trained up under him, and not one of them doubted of the success he promised himself.

The precious time that the king consumed, count Daun employed in increasing his army, by keeping himself in a condition to receive his reinforcements. He appeared to the king to be too circumspect, and the monarch was resolved to go and force him to a battle. Till the 11th of June the marshal had contented himself with securing his encampments and subsistences. He marched the 12th. He left count Nadasdi in the camp, to mask the march of the army which he carried entirely into his new camp; without the prince of Bevern's making any motion, though he was in sight. The 13th, the count endeavoured to draw the prince to an engagement, who waiting the king's coming, was afraid to engage in any action. The prince decamped the 14th to draw near the reinforcement which the king was bringing to him in person. He came to Gintitz, followed by the marshal as far as Kaurfin. Here his highness faced about; and was joined by his majesty, who brought with him 10,000 men, and a numerous artillery. The 16th the marshal came to Kirchenau, where he passed the following day. The night of the 17th he kept his army under arms, and had advice that the king was coming to him along the causeway by Collin. His majesty made a halt the 18th at eight in the morning. He rested till noon without stirring, making his dispositions for the attack, and ordering every thing to flank the Austrian camp. His army consisted of 40,000 men.

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The marshal watched all his motions. He saw the monarch preparing himself to fall upon the right with the choicest of his forces, and to post the rest of his troops in such a manner, that should threaten the center and the left of the Austrians, without engaging in the fight. Under cover of his first ranks, the marshal sent a reinforcement to his right without the king's perceiving it. That prince charged according to his plan at two in the afternoon. The resistance he found shewed him that his scheme had been discovered. Convinced that the marshal would keep himself on the defensive, he thought he could draw off his left without striking a stroke; and at the same time that he gave his orders to retreat, he sent orders to his right to charge. The left of the Austrians was now become the weak part. But the marshal did not give the king time to push the attack with his right. He charged the left of the Prussians which he had been content to repulse five times. This attack was not foreseen and overthrew every thing. The four regiments of Saxon cavalry attacked a propos and with wonderful impetuosity. The whole left of the enemy's army was disordered, and this disorder gained upon the whole front of the army which retreated in confusion. For the five first hours after the battle, his Prussian majesty was lost to all historians. They find him again the 20th in his line before Prague, where his return was of no other use but to let him be witness of a new check. Prince Charles being well informed that his Prussian majesty was gone to fight count Daun, availed himself of that diversion to make himself, his troops and the city independent of the success of that battle. In the night of the 19th he reconnoitred the lines where the king had left marshal Keith, and on the 20th in the morning he attacked them with such order

order and vigour, that they were forced in all the chief attacks. The Prussians loss in these two actions was 6000 killed, 3000 deserters, and 4000 prisoners, and they had full 7000 wounded, and left 50 pieces of cannon and 22 colours. The king of Prussia endeavoured to hide his misfortunes in the account which he published. But when the consequence of these two battles had fixed the public opinion with regard to the conqueror, he then chose to prefer the reputation of his arms to his personal reputation: And in the letters which were published as his, and which he never denied, he agreed with a noble frankness, that he had tired fortune by his excessive confidence in her, and he had the courage to chuse that his misfortunes should be attributed to his imprudence. It is thus that he explains himself to my lord marshal his lieutenant-governor of the county of Neuf-Chatel.

This confession might comfort the Prussian troops; but it did not impose on the conquerors. During the whole month of July, the Prussian army was continually retreating. The generals Nadaſti, Hadick, Laudhon, Palfy, Morocz, and Kleifeld pursued it without intermission. General Beck plundered and destroyed a whole column of its baggage. Desertion too (another plague of a beaten army) desolated it beyond belief: From the 18th to the 27th of January, 1600 deserters received passports from prince Charles. At the end of July that prince was in Lusatia with his whole army. He attacked the Prussians the 8th of September at Gorlitz, killed 2000 men and general Winterfeld, in whom the king greatly confided. There remained to his Prussian majesty nothing but Saxony which he had surprized, the recovery of which was entrusted to the armies of France and the empire.

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The court of Vienna made its armies march into Silesia under the command of prince Charles, who had marshal Daun under him. General Hadick detached with 3400 men, to make incursions into Brandenburg, dared to advance as far as Berlin: He presented himself the 16th of October before that capital; forced one of the gates and obliged it to pay a contribution of 200,000 crowns, and then deceiving prince Maurice of Dessau, who came to cut off his retreat, got safe the 23d to Hoyes Werda, with all his troops and all his booty. Schweidnitz had capitulated the 12th of November. The prince of Bevern attacked in his fortified camp the 22d had been totally defeated, and prince Charles in pursuing his victory had taken him prisoner. Every thing foretold a glorious end of this campaign, when the misfortune of a French army changed the face of affairs.

At the end of the month of March 1757, the French troops had entered the country of Cleves. A powerful army, at first under the orders of the prince of Soubise and afterwards commanded by the marshal d'Etree, had advanced step by step into Westphalia and had marched to the west of the electorate of Hanover, for which his Britannic majesty had refused the neutrality which the Empress Queen had offered him. The duke of Cumberland (who arrived at Hanover the 16th of April) hastened the more to form an army as the king of Prussia by abandoning his estates of Cleves, left that electorate without a barrier. His royal highness obliged to retire successively from all the posts where he counted to make head on this side the Weser, had accepted and lost a battle the 26th of July. His retreat by his right towards Stade, had delivered up the electorate to the French. Pursued by them he had preserved himself from a total defeat, or an entire surrender; but by making

making with marshal Richlieu (successor to marshal d' Etree) the convention of Closterseven of the 18th of September, which disarmed and disbanded his troops. Those of France had spread themselves over the electorate : The marshal Richlieu had carried them as far as Halberstadt. On the other side, the prince of Soubise (who had left the command of the army in Westphalia to take that of 30,000 men, which his Christian majesty was to join to that of the Empire) had seized Hesse and reduced Thuringia, thinking to summon Leipzig the 24th of October, and ready to join Richlieu, he seemed sure to take Saxony from the king of Prussia, and to dictate to him before Magdebourg the articles of his reconciliation with the allied powers.

This rapid success was followed by a very great reverse. The Hanoverian army was at length stopped on the other side of the Wefer, and the duke of Cumberland who commanded it was resolved to wait the enemy's coming. His right was defended by the fortress Hamelin. He had a morass in his front, and his left extended to some mountains which were traversed with ravins. The duke could only be attacked on the left, and by a very small front, and even to do this it was necessary to gain his flank by winding round the mountains. Messrs. d' Armentières and de Chevert were charged with this operation, and they conducted it with success. On the 20th of July 1757, at six o'clock in the morning, the artillery of the two armies gave the signal. The cannonading lasted on both sides till nine; about that time the left of the Hanoverian army was flanked by Messrs. d' Armentières and Chevert, and the victory seemed decided; when on a sudden a rumour spread through the greatest part of the French army, that they were cut off. Some officers without permission spread

spread this alarm to others, with orders to secure their retreat, by marching back again. Marshal d'Etrée, obliged to believe the reports which came from places he could not be present at, suspended the army from acting; he would have had some difficulty to have saved it, if the duke of Cumberland had had knowledge of this unlucky accident. But this prince had already given over the battle for lost. His left, flanked by Messrs. d'Armentieres and de Chevert, was exposed in front to the fire of the right of the French. He feared its total destruction; and he hastened to draw it back towards the centre, which was joined to the right. His royal highness retired to Copenbruck. The mistake in the French army only hindered the marshal from pursuing his victory. The fruits of it remained for marshal Richlieu, who succeeded him in the command. M. de Richlieu took the command of the army the 3d of August. The countries of Hanover and Brunswic were open; he made a conquest of them before he went to the Hanoverian army, which was drove up behind Bremen, and under Stade. He dispersed it by the convention of Closterseven the 8th of September, and spread his troops from one end to the other of this large country. But on the faith of the convention, he distributed them in such a manner that their security in their quarters, depended on the good faith of the Hanoverians, and their fidelity to their convention. Nevertheless, this convention was susceptible of doubts, explications and interpretations of which it was likely the Hanoverians would take the advantage if ever they found themselves in a condition to avail themselves of them.

Their inability in this respect would have lasted till the end of the war, if the combined armies of France and the Empire had had the success which appeared in-

dubitable. In advancing into Saxony and the dutchy of Magdebourg, they were in a capacity to fall upon the back of the violators of the capitulation, without discontinuing their operations. The king of Prussia having had his army beaten by the Russians at Jagersndorff the 30th of August, was equally pressed on all sides. The retreat of count Apraxin the day after his victory, was but a respite from which his Prussian majesty could draw but little hopes, because he knew better than any body how little durable the cause of it was. The bad state of his affairs put the royal family and his majesty's own servants under the greatest uneasiness. The margraves of Bareith had already written to Voltair to collect together all that philosophy afforded, of consolation, for a prince who had a soul capable of rising above that fortune which would have crushed him. His majesty hastened the beginning of November into Thuringia, where the combined armies had retired to wait for him. He had scarcely half of the men, which they had; and he found them on a field of battle which was the choice of their generals, and every thing to their advantage. On the 5th they were in view. The motions which the king caused the cavalry to make, to give room to his infantry, and to support it, appeared to the combined armies a disposition for a retreat. The troops quitted their posts, and forming themselves into columns, hastened to come up with him. In the very moment of this confusion, his Prussian majesty fell upon their left which he took in flank; the victory was presently decided. The consequence was surprizing. But the king of Prussia appeared satisfied with having overcome. He flew from Thuringia into Silesia, where prince Charles after having beaten the prince of Bevern in his lines the 22d of November, had made himself master of Breslau.

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The prince of Bevern being obliged to be witness of the taking of Schweidnitz, was reduced to cover Breslau. He had made choice of a very advantageous camp at the confluence of the Oder and the Loh, having this river in his front, the Oder on his right, Breslau at his back, and his left entirely covered by a line drawn from Breslau to the Loh. His infantry was behind some villages intrenched and provided with artillery. The village of Cofel served for a support to his grenadiers, in the angle, which the two rivers form in uniting. The grenadiers were supported by the cavalry. This was the principal place of prince Charles's attack. His highness caused two bridges to be flung over the Loh at this angle, and sent over general Beck at the head of the Pandours and Croats. While he defeated the Prussian grenadiers, the prince attacked the front of the village of Pitfnitz, which supported their left. The infantry which defended it made a vigorous resistance. But at last it gave way. The other villages on the line were forced much about the same time. The Prussian general retreated with a very small number of his men, the greatest part having been either killed or taken. The victory was purchased at a very dear rate. The battle had been composed of many actions equally brisk and bloody. The conquerors lost there about 6000 men, among whom were a great number of officers.

The king of Prussia brought with him from Thuringia and Saxony the best of the troops he had left. He joined them to the garrison he drew out of Glogau and other places, and to the broken remnants of the army of Bevern, and he came upon Breslau, with between forty and forty five thousand men. The Austrian army notwithstanding what they had lost in the battles of Gorlitz,

Zittau, and the skirmish of the 22d was nearly of the same force. The soldiers who had so lately gained a signal victory were full of ardour. In vain the general would have restrained them. Besides this ardour made him hope well of the battle. The Austrian army was at five o'clock in the morning at Leuthen or Lissa. According to the result of the council of war, held in the morning, his royal highness had formed his left wing of the corps of count Nadassi, and six thousand men of Wurtemberg, in order to extend the line. These last were posted in a wood. They believed they could depend on them there. General Luchesi, had the right. It was posted in a manner so as not to fear being attacked. But through an excess of circumspection he asked for a reinforcement, and the reserve was sent to him. The king of Prussia caused the left to be attacked; they did not withstand the shock. The six thousand of the Wurtemberg troops gave way, and put the Bavarians and all the Austrians into confusion. The reserve not being now at hand to support them, it was not possible to rally them. The king had time to turn all to his left. The prince attempted a diversion on his right, and charged the enemy in flank, but the disorder of the left threatening to spread to the centre, his royal highness retreated, leaving about ten thousand dead, wounded, and prisoners. He rallied on the hills in sight of the field of battle, and stopped the enemy. His retreat was to Schweidnitz. At the review on the 6th, the army was found to consist of thirty thousand men. Half of it was put under the command of general Sprecher, who flung himself into Breslau, which he held out but to the 20th. This capital of Silesia was given up by a capitulation, which made its numerous garrison prisoners of war.

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The rigour of the season put an end to this bloody campaign, which the king of Prussia finished, in drawing back the little Swedish army to Stralsund, which had advanced into Pomerania. The history of Europe in its most important crisis has not any campaign so destructive. There were seven pitched battles, and three great skirmishes, in less than eight months. Every battle seemed to have decided the quarrel; and it only served to animate the conquered to make greater efforts. Fortune not deciding between the two parties, favoured each in their turn, and in the very moment when one must have yielded, if she had not proved inconstant. The battle of the 18th of May at Chotzemitz, and the siege of Prague, would have established the superiority of the Prussian power, if prince Charles and marshal Daun had not gained a victory, and this power was past recovery if the king had lost the victory at Rosback, or at Lissa, five months after. The skirmishes of Retzenburg, Gotliz, and Zittau, might pass for battles. The Russian army beat the Prussian, which was in Pomerania, under the command of general Lewald, but its general did not draw any fruit from his advantage. The army of France followed its victory of Hastenbeck, with the conquest of the countries of Hanover and Brunswic, and at the end of the campaign it was on each side of the Rhine.

Prince Ferdinand followed the French army to the very brink of the river, and he passed the winter in Westphalia. In the spring he occupied most of the posts on the other side of the Rhine, and he dared to risque the passage. The boldness of the attempt is as surprizing as the facility he found in the execution of it. The French troops abandoned Cleves, and falling by degrees back as far as Crevelt, stood their ground there on the 21st of June. The prince marched to this army

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on the 23d, attacked it in its camp, and beat its left, which being neither reinforced nor supported, made a very brave resistance to no purpose. The Hanoverian army maintained it self on this side the Rhine, perhaps more by good fortune than management. It ventured to penetrate as far as the Meuse; and it might have perished there. M. de Contades, who succeeded the prince of Clermont, in the command of the French army, was master of the post of Wachtendonck, the only passage prince Ferdinand had left to rejoin his magazines of Rees, Xante, and Emerick. He had detached M. Chevert to go on the other side of the Rhine, to take post at the head of the bridge of Emerick. The Hanoverian army was cut off. Fortune did miracles for it. The prince marched to Wachtendonck, where he only found two hundred volunteers of a French regiment. General Imhoff with six battalions went to meet M. Chevert, and obliged him to retire with loss. The prince repassed the Rhine the 8th of August. He continued the war upon an equal footing during the rest of the campaign. The skirmishes of Sundershausen the 23d of July, and of Lutzberg the 10th of October, both in Hesse, were glorious for Messrs. Broglie and Chevert, who had the greatest share in the victory. But no consequence attended it. The French army on the lower Rhine, took up its quarters on this side of the river, and that which had attempted to penetrate into Hesse, retired by degrees to Franckfort and Hanau, and cantoned about these two cities, where it had its head-quarters.

The king of Prussia began the campaign with still more eclat than prince Ferdinand. His majesty leaving Bohemia behind him, (the invasion of which some fatality seemed to render alway fatal to him) opened the campaign of 1758, by the siege of Olmutz. He was
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before the city the 2d of May. Never had a military enterprise occasion to be conducted with more expedition. All the Austrian forces were in the army commanded by marshal count Daun, and this army which had scarcely thirty thousand veterans, encreased and became more expert at their arms every day. It was not long before the king knew that an essential part of the military art had been neglected in the Prussian discipline. His engineers served equally bad both his interest and his impatience. After ten weeks labour, his majesty had scarcely finished his approaches. Count Daun employed this time to incorporate his new levies into his old regiments, to inspire them with the spirit of the corps, to exercise them, to accustom them to be near an enemy. Always in camps, where he run no risk of being hemmed in, he put himself out of danger of being forced to fight, he measured, if I may so say, the time and the opportunities of succouring the place. He kept the besieged in hope, and the besiegers in fear, till the 1st of July. His light troops got on the back of the Prussian camp, which drew its provisions and ammunition from Silesia by Sternberg. They fell upon a grand convoy which was all its resource, and at the same time the marshal in going on the other side of the river, opened to his enemy a way by which he wished him to retreat, and secured the Austrian countries where he was afraid he might penetrate. The loss of the convoy and this motion of the marshal's saved Olmutz. His Prussian Majesty had nothing more to do, but to break up his camp. The 2d of July, after a useless siege of two months, he marched from that place, and crossing Bohemia in six days incamped in the county of Glatz. The marshal was afraid to pursue him. His army was not sufficiently trained to follow closely troops accustomed

to forced marches, and all positions were not equal to him against an enemy who had in reserve werewith to recover his army in case of a check. Marching at his ease he counted, he measured every step, which brought him nearer the Prussian army, and the 6th of September he had removed the theatre of war into Saxony. The fanaticism of religion and fear had spoiled the spirit of the people of the electorate. Weighed down under a yoke of iron, the unhappy Saxons more willingly hoped for a mitigation of their misfortunes on the part of their oppressor, than an end of them from their deliverers. The menaces and severity of the first rendered them attentive to the means of pleasing him. They were insensible to the promises and the assistances of the others. The Austrians in Saxony were really in an enemy's country.

The operations were concerted between count Daun and the general of the Russian troops. This last was to have avoided a battle, till the armies of the two Emperresses were at hand to support each other, to reap all the fruit of the victory, or to guard against the consequences of a reverse. But the king who was desirous at any rate, to hinder this junction, quitted his army in Saxony, and with his best troops marched against the Russians, whom he found near Zorndorff, in the new Marche of Brandenburg. He attacked them on the 25th of August. General Count Fermer made his dispositions entirely to sustain the shock. His army divided into large bodies almost square which joined one another, seemed as the front of an edifice with its two wings bent inwards. It sustained the shock with astonishing firmness. But the king without being discouraged sent back to the charge, the troops which he had called off, and sent them there after having formed them afresh at his ease. They were fresh troops, who at length made their way through

through, the Russian centre, at the point near the left wing. The slaughter was great on both sides; and night separated the two armies, without knowing who had overcome. Each had abandoned the field of battle, which he believed he had lost, and retired from it. In the night, M. de Demicourt, major general in the Russian service, rallied a considerable body, and returned to take possession of the field of battle, where he claimed the victory for his general, by whom he was supported the next day. They expected a fresh action between the two armies. But on the 27th the general count Fermor made a retreat which he continued to do till he got again into Poland, where he took up his quarters. The loss was pretty near equal on both sides in the battle. But the Russian army was badly provided with ammunition and provisions, and even with artillery.

In the mean while the battle of Zorndorff confirmed his majesty in the opinion he was in the very beginning of the war, that the Austrians and French were not his most formidable enemies. The monarch, well informed that count Fermor was marching back, hastened to his army in Saxony. Prince Henry his brother had covered Dresden, in such a manner, as to make the reduction of this residence a long affair, and count Daun, who ought not to have undertaken it while he was uneasy for the operations of the Russian army, was far from thinking of it, after having heard of the bloody and fruitless battle of Zorndorff. The court of Vienna thought of the siege of Neiss, in Silesia; and the marshal seconded its views, in detaining the king in Saxony. It was too late to attempt the recovery of the electorate. The enemy was too powerful; and the season too far advanced, for them to hope to establish and fortify themselves in the conquest, sufficiently to take up winter

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quarters

quarters there. The marshal kept the king within bounds by his incampments; he disturbed him, he fatigued him. He quitted at last his camp at Stolpen the 5th of October and as secretly as possible, as upon it depended the safety of his march across the narrow passages of the mountains in which he might be taken in flank. He was already in the valley of Cunewalde, and had took up his quarters at Crusta, when his majesty had advice that he had quitted Stolpen. He detached after him the light troops, which were repulsed with loss by the rear-guard. This march was conducted by count Laszi. The army was on the 7th at Kittlitz, near Lobau. The king came the 8th to Bautzen, staid there the 9th, and prevented by a motion the attack the marshal was projecting of a body of troops posted on the Weissenberg. The 10th early in the morning, his majesty caused the hills of Hockkirchen to be took possession of. He drew up his right wing there, extended his left to Rodewits, and had a rivulet in his front. Count Daun was almost within cannon shot of the cannon of the advanced posts of the king. He changed his right, and advanced it, in order to draw it up on the little mountain of Strumberg. He strengthened it with grenadiers and large cannon. A party of his left went forward toward Bautzen; and the artillery was placed in a manner so as to sweep the plain. The marshal caused some abatties to be made in the woods which cover the mountains, and furnished these woods with Croats, that he might secure the communication with M. de Laudhon, who was at Mitchewits. His centre was defended by two hills which commanded it, and which he caused to be fortified still more. The king of Prussia did not hesitate to believe that the marshal proposed to establish himself in this camp, and to spend the remainder

remainder of the campaign there. When the motions of the royal army had made it certain that his majesty was entirely bent on the offensive, the marshal augmented his security by marches and counter marches, which he made with small bodies, and which an enemy attentive to every thing, did not fail to take for marks of perplexity, and inquietude. At length in the night between the 13th and 14th, he brought, all at once, his whole army on the enemy's flank. It would have been a prodigy if the different corps had arrived punctually at the appointed places and hour. The bad ways retarded some in their marching during the night; and there was not in the attack all the concert laid down in the plan. But the surprize was not less compleat in the Prussian army, which saved its left from total ruin, only by the force of its discipline, and the great aptness it gives the soldiers in the most difficult evolutions. The march had been directed in three columns, of which one that was composed of cavalry had been obliged to make some stop. The Prussian infantry of its own accord flung itself into the village of Hochkirchen; and by the obstinacy of its resistance it gave time to the king to make dispositions for a retreat. This battle cost his Prussian majesty between 6 and 7000 killed, near the same number wounded, the heavy and light baggage of his army, his camp where the tents were all standing, and above 100 pieces of canon. We do not know which to admire most, either the marshal who puts such an enemy to default, or the king who recovers himself from so great a loss, under the very eyes of such an adversary. The monarch pitched his new camp not more than four leagues from the field of battle. Eight days after this terrible check, his army wanted for nothing; and an advantage managed with

so much art, brought on with so much ingenuity, had scarce any other consequence to the Austrian army, than to make the soldier retire into his quarters, with an esteem of himself, and a confidence in his general. The marshal quitted Saxony when the weather did not permit him to keep the field any longer. His army and the corps which were in Silesia, did not disturb the enemy in the establishment of their quarters, nor were they disturbed by them. Each incamped on his own possessions. The Swedes retired to Stralsund. The army of the Empire after having received a check, retired into Thuringia and Franconia. The Russians wintered in the kingdom of Prussia which they had conquered, and behind the Vartha. It was believed that the following campaign would open early on all sides.

The king of Prussia formed a plan of acting in general upon the offensive ; and on the 1st of March he opened the campaign. A detachment was sent into Poland to destroy the magazines of the Russians there, and it badly executed its destination. Prince Henry penetrated into Thuringia at the same time, and prince Ferdinand of Brunswic, with the best part of the Hanoverian army, marched to Hesse : He came to Fulda without having met the enemy. His Prussian majesty went at length himself from Breslau the 23d, pitched his camp at Landshut, and gave general Fouquet a body of 20,000 men to penetrate into Moravia.

The French army under the orders of marshal Condé was on the lower Rhine, and in its quarters. A body of 26,000 men was cantoned between Hanau and Frankfort, and was commanded by the duke de Broglie. It was by the defeat of this body that the king of Prussia reckoned to begin his operations. Prince Ferdinand had about 40,000 men of the troops of Hanover, Hesse, and Brunswic.

Brunswic. He found the ways worse than he thought them, and he did not arrive till the 12th of April within reach of the duke de Broglie. The French general had been prepared for 15 days to receive the enemy. He had examined every part of the defence he could make, and of the attack which the Hanoverian general could contrive. He was sure of repulsing the enemy if his officers followed their instructions, and the soldiers maintained their posts bravely. He was seconded according to his wishes. The action began the 13th at 10 in the morning, and did not end till night. The prince was obliged to retire after loosing between 6 and 7000 men. As they were willing to reserve for the grand army the honour of the campaign, the duke de Broglie returned into his quarters, and the prince after having suffered some damage in his rear-guard from M. Blaisel, had leisure to repair his losses in the countries of Hesse, Brunswic, and Hanover, where he went. Although its advantages have been neglected, the victory of the duke de Broglie is one of the most famous in this war, because there was scarce any one so necessary. It was upon the fate of this body of the French army that the king of Prussia had founded all his plan of the campaign. If the duke de Broglie had been defeated, the army of the Empire was surrounded, and the king, by incorporating them into his troops, would have made them keep for him the country they defended against his majesty. The troops of the Empress would not have been capable to preserve Bohemia; and prince Henry, by taking possession of it, would have put marshal Daun and his army at the discretion of the king his brother. The Russians were not in a condition to take the field so soon. The battle of Bergen disconcerted all this plan. Prince Henry repulsed in Bohemia flung himself to no purpose

purpose into Franconia, where he could not follow the Germanic army in its retreat, without danger of having the Austrians on his back, who were coming from Bohemia. General Fouquet met with the marquis de Ville who made head against him on the frontiers of Moravia, and followed him in his retreat as far as under Neiss. Marshal Daun who was advantageously incamped at Gitschin, only waited for the decamping of the royal army, to force a passage into Silesia, or to fight it. His majesty was obliged to abandon entirely the offensive, and to regulate all his motions by those of the allied armies. 'Till the month of July he appeared to dread his enemies as much as they feared him: From his camp at Landshut to his camp at Lewenberg, and from Lewenberg to Landshut were all the marches he permitted himself to make. To draw him out of this war of chicanery, it was necessary that the approach of the Russian army should oblige him to leave something to fortune. Count Dohna had orders, in the beginning of July to advance as far as Posenania, to meet the Russians commanded then by general count Fermor, and to attack them strong or weak wherever he found them. The count came as far as Posen, where the Russians were incamped. But he judged it not possible to attack them; and he believed it more to the purpose to preserve his army to defend or cover Brandenburg. The monarch had, without doubt, his reasons for giving that order, he did not pardon count Dohna for having evaded it. The command of the army was taken from him; and general Wedel was sent in his place. M. de Wedel arrived exactly on the eve of the day, that count Soltikow, who had succeeded count Fermor, had pitched upon for the attack. The Prussian army advantageously encamped behind Zullichau, was not accessible but on its left which could be flanked.

flanked. The Russian general was determined upon this plan, and executed it admirably. M. Wedel did not know it till after its execution; and to render it useless he changed his front, and marched by his left to the enemy, with an intention to out-flank him. His intention being guessed at and prevented, he thought of his retreat, lest the Russian right should cut it off by extending themselves along the Oder. He took that step too late. The Russians had already taken possession of the way, and had cannon there. The only thing that now remained for him to do, was to go straight to his enemies and force a way through. But he had not perceived a morass separated his left from the Russian right. The charge which he made was repulsed because he did not make it with the whole front of his left. Then he thought to make another by getting over the mountains and woods which were in his rear. His troops surmounted all difficulties; they came by this rout into the plain, where they formed themselves opposite the enemy's right, beginning the attack with their own right, and making it pass along to the whole front of the Russian right. It is difficult to conceive how the Russians did not sink under it. Their second line could not even assist the first with its fire. This engagement lasted two hours. General Wedel saw his men repulsed; he quitted the field, and rallied them on the hills. The next day he passed the Oder. His rear-guard was overtaken in its passage, lost five regiments, and a great part of the baggage. Crossen and Francfort then opened their gates to the conquerors who threatened Berlin.

The king hastened to make a rampart to his capital with a new army. He went thither with his best troops, to which he joined the broken remnants of his defeated army; and at the head of 60,000 men, he
marched

marched streight to the Russians, who were reinforced by 20,000, that general Laudhon had brought with him from the camp of marshal Daun. The two armies were in preface of one another the 12th of August in the morning. Fortune, which was for the king from 11 o'clock in the morning, till five in the evening, failed him. The incredible firmness of the Russian infantry, and a charge well conducted by general Laudhon, fixed the victory on their side. Count Soltikow was on the defensive. The king promised himself to make him apprehensive for his centre, and for his right, by some troops which he held ready to fall upon one or the other, or on both together; and all the shock was designed against the left, taken at the same time in flank. But the Russian general discovered the scheme and hopes of his Prussian majesty. He disappointed them by breaking his second line and sending it to support the flank of his left. The Prussians broke through it, but the Russian infantry lost ground without being disconcerted, without breaking their ranks. The moment that the Prussians, taken in flank and cut off by general Laudhon, wanted to halt, and form themselves against their new enemy, he charged them furiously; and pushing his advantage without giving them time to breathe, left no other part to the king but that of a speedy retreat.

Since these two great actions the war is entirely changed on this side. The king obliged to re-assemble all his forces, can compose but two armies of them, which make head against count Soltikow and count Daun. Saxony, an acquisition esteemed so necessary by his Prussian majesty for his defence, hath been abandoned to the army of the empire, which is making the conquest of it without striking a blow. Pomerania and the Marches are open to the Swedes. A compleat victory would
scarcely

scarcely put the monarch upon an equality with his enemies. A new defeat would entirely ruin his affairs.

Prince Ferdinand, more fortunate than at the beginning of the campaign, beat the army of France at Minden the 1st of August, and by taking the post of Coefeld, which was the key of the communications of the French with what they had behind them, he obliged marshal Contades to make his retreat on the other side of the Weser. Warm in the pursuit he has not allowed the vanquished time to recover themselves. All their heavy baggage having been taken, they must draw near their frontiers again. All the fruit of the campaign has been lost. The French are returned behind Marburg, to maintain their communication with Franckfort and the Rhine. The battle of Minden was fought on a disposition much like that of Hochstedt. The French there had their cavalry in the centre; and twelve or fifteen battalions broke them. But this disposition (inexcusable at Hochstedt) would have rendered the victory compleat at Minden, if the right under the orders of the duke de Broglie had been strong enough to beat the twenty thousand Hanoverians of which prince Ferdinand had formed his left, and which were intrenched behind a battery of thirty pieces of cannon. M. de Broglie had but twenty two battalions; he could not attack; and the marshal had reckoned that after having routed general de Vangenheim, and his twenty thousand men, he would have fallen on the flank of the centre of the enemy, which the cavalry of his own centre would have attacked in front.

France has not been more successful on the continent of America. She has only sent there small reinforcements with provisions and ammunition, while the English send whole armies, supported by powerful fleets. This

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apparent indifference toward the first object of the war, hath contributed to put the British Ministry on their guard against the intended invasion of the three kingdoms. They must have looked on it for certain as it was the only resource the French had left, and the most ready way to indemnify them for all their losses. The forts du Quesne, Oswego, Ticonderago, Crown-point, Niagara, are in the possession of the English generals. Quebec is besieged; most of the savages have changed their side, and are become so much the more terrible enemies to the French, as they believe France has abandoned them. M. de Vaudreuil hath assembled all the men fit to carry arms in the French settlements in Canada. Perhaps a battle hath already annihilated a colony that the labour of two ages hath rendered the most flourishing of any that history mentions.



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For OCTOBER, 1759.

By Mons. MAUBERT de Gouvert.

Translated from the French.

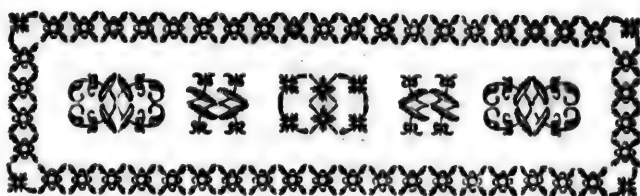


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CHAP. I.

Of Political Affairs.

WE are not to expect much cabinet intrigue and contrivance in a war like this, where the interests of the belligerent powers are too real, and too well known to admit of any temperament. The aggressors have discovered their views, they have published their pretensions in a manner which leaves no room to doubt, that



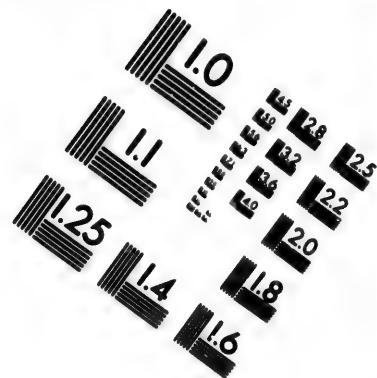
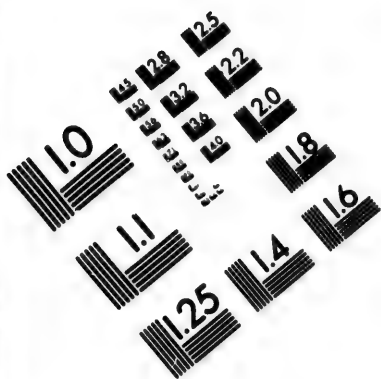
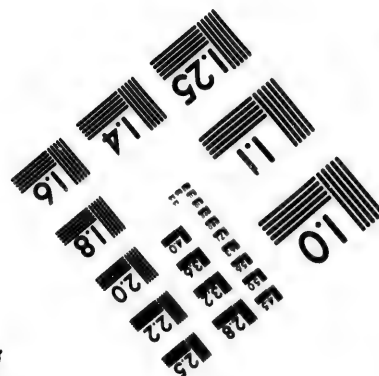
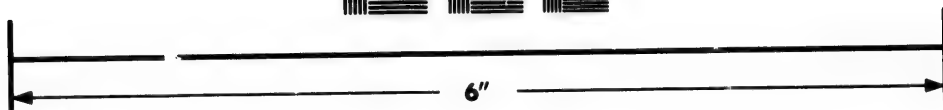
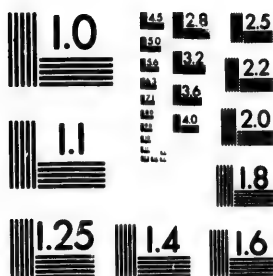


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that nothing leſs than the impoſſibility of ſupporting them will ever induce them to deſiſt; and the powers united for their common defence, have bound themſelves to each other, not to ſheath the ſword, till they have received full and ample ſatisfaction for all their complaints: In this tragedy the military men are thoſe who act the principal parts; the ſtateſmen, poſted behind the ſcenes, give the actors the ſignal, regulate their motions, and watch the favourable minute, (a minute as yet hid in the womb of time) to appear in their turn on the ſtage.

The court of Berlin, relying entirely on the fortune of her arms, employs all her uſual methods of perſuaſion, to extenuate the blows which theſe arms have received. The court of London, whom advantages aſqually ſolid and glorious have inſpired with better grounded hopes, magnifies theſe advantages in the eyes of her ſubjects, in order to encreaſe their affection for her ally. Both, really or apparently miſtaken, behave as if time was on their ſide; as if fear or intereſt was to procure them new allies; as if their enemies were to be diſunited, and made to renounce the plan concerted between them, through diſguſt, wearineſs. or want of money. Certainly, the king of Prussia would not have been ſo ready to hazard the battle of Cunnerſdorff, had he not greatly at heart to diſguiſe the importance of the loſs ſuſtained by him at that of Zullichau; and his powerful genius would have contrived means to recover from a third blow, which fortune perhaps has in ſtore for him, and he is now going to meet, were he not perſuaded that it is as much his intereſt to put a good face upon his affairs, as to conduct them well. The fate of this monarch's family and dominions now centers in the two armies he has left. Another victory may bring him back
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to the same level with his enemies. The loss of another battle is sufficient to crush him. The cautious conduct of the generals that oppose him, would leave him in a state of violence with all his forces wound up to the highest stretch. In this condition, his own personal courage, and the assistance of his allies, would be his only resource.

This assistance indeed, the British ministry seems determined to afford his Prussian majesty. When in the year 1757 they declared for the measures, which they had so long opposed, when they adopted the connexions formed by their sovereign with the powers of Germany, they did it with a resolution to act in consequence with equal eclat and vigour. But reduced by the principles of the English constitution, to the necessity of hazarding nothing, and of carrying nothing with a high hand, they cannot answer for a communication of the forces and treasures of Great Britain, but as far as they may be able to make the people approve it; and this people, so ready to take fire, gave their ministers just grounds to fear, that they will hereafter rail at an alliance, all whose charges they must bear, with the same enthusiasm, with which they have hitherto declared themselves in favour of a victorious ally. It is impossible to determine, whether it is from a regard to this situation of the British ministry, that the king of Prussia has made such sacrifices to the reputation of his arms, or whether it is through a fondness to imitate his Prussian majesty, that the British ministry has adopted his principles. The operations produced by these principles, though not equally detrimental to England, have however proved very burthensome to her. The expensive blockade of Brest, the fruitless expeditions of admiral Rodney, the enormous charge of making new levies at home, all these

preparations (unless the court of London may have in them some particular views upon her own dominions) expose her ministers to the most terrible reproaches from the nation, which, when it comes to reflect on the great expence of carrying on the war, will call them to an account for all these measures, taken to baffle an invasion, which they themselves always pronounced impossible. In fact, if this project was made use of by France merely as a lure to confine the British forces to their island, and reduce England to a state of uneasiness and expence, the court of Versailles has a better right to boast of this stroke of policy, than the court of London. If the English had permitted the French squadron to come out of port, a few unhappy or even drawn battles, would at least have weakened this infant marine, too feeble to give any effectual assistance to her American settlements. The fleets of France would have thought themselves happy, after keeping the sea for some time, to be able to hide themselves in port again, and must in the interim have suffered equally with those of Great Britain, by the wear of ships and loss of men inseparable from a sea campaign. The alarm of an invasion, therefore, whether true or false, has saved France the trouble and the expence of acting on the defensive; and by obliging England to lay aside all thoughts of the grand blows she had prepared to strike, it has exhausted, to no manner of purpose, forces against which France was in no condition to make head. We should greatly impose upon ourselves, were we to imagine, that the project of an invasion had been disconcerted by the blow given Monsieur de la Clue's squadron. If this project was real, four ships could not be so essential, as that the loss of them should make it miscarry. The court of Versailles would not have resolved on an expedition by sea, like this,

this, without making allowance for the accidents so frequent on that element. If therefore, supposing the French were seriously bent on attempting an invasion, they have now renounced it, it is not in the engagement off Lagos, we must look for the cause of their not carrying it into execution. It is well known that *Monf. de la Clue* had orders to leave at *Cadiz*, five ships out of the twelve which composed his squadron, and nothing certain can be said in regard to the destination of the remaining seven. The conduct of the British ministry, by continuing the admirals *Hawke*, *Broderick*, *Boys* and *Rodney*, in their present stations, and offering further encouragement for raising the militia and recruiting the standing forces of great Britain, at the same time that they affirm, that the project of an invasion is either chimerical, or has at least failed if it ever existed, becomes a riddle not to be explained, but by considering a shew of the great superiority of the British forces, as the principal object of all their efforts.

Nor can we see any thing, besides this political parade, in the orders, by which prince *Ferdinand* has conducted himself since the affair of *Bergen*. He was expressly enjoined to dispute inch by inch all the ground on this side of the *Wefer*, in spite of the perpetual risk this obstinacy might expose him to, of being intercepted or overpowered in his retreat. Since the battle of *Minden*, this general received orders to proceed in the same manner, and press the French army in a manner fitter to establish the reality of his victory, than to enable him to reap the fruits of it.

The court of London, it must be owned, has succeeded in making on her subjects that impression she wanted, so that not a good Englishman is now to be found, who does not believe that Great Britain may safely bid defiance

fiance to all the other powers of Europe. But there are men in England, who argue as Hanno did in the senate of Carthage, and doubt of the reality and solidity of advantages, which are published only when new supplies of men and money are called for. These unbelievers are men of fortune, credit, and power. Since the battle of Minden, England has rung with the reports of a speedy transportation of 10 or even 20,000 English troops to reinforce prince Ferdinand's army, but the opportunities, which this prince had of making use of so considerable a reinforcement, are now elapsed, without his receiving more than 5 or 600 Scotch highlanders, with recruits for the regiments that suffered during the campaign. The British ministry, after having vainly endeavoured to impose upon the public in regard to the victories at Zullichau and Cunnersdorff, gives out with great assurance, that the Imperial army of Russia, which struck these two great blows, has been forbid by its sovereign, to reap any advantages from them; nay, they have published the particulars of an alliance between the empress of Russia, and his Britannic majesty, fixing at 300,000 l. sterling the annual subsidy for which this princess is to sacrifice her allies. This is the freshest stroke of the British ministry's policy. We have little to say concerning the schemes of the allies of England and Prussia. It is not probable that the landgrave of Hesse and his council have avowed the advice given by Mons. de Donnep, his highness's minister at Berlin, to make use of an imposture in order to render the French odious to the Hessians, and hinder such of the latter, as had fled their country, to return to it when re-conquered by the former. It is one of these little tricks, which always turn out to the disadvantage of those who contrive them, and which one scarce pardons in

in favour of the zeal which dictates them. M. Dönne's advice was falsely to charge the French with enlisting by force into their foreign regiments all the Hessians that returned to their country.

It is very doubtful, whether the duke of Brunswick had in view the interest of the common cause in strengthening the ties of blood, which have so long subsisted between his family and that of Brandenburg. There are but few houses of the Protestant religion, into which the sovereigns of the first rank of the same communion are fond of marrying; and in all appearance, religion is the only political motive for the choice, which the margrave of Bareith has made of a daughter of the reigning duke. The court of London, at present so liberal of her subsidies, has not offered any to this prince: Her interest cannot increase in Germany; she no longer continues to flatter her subjects with the hopes of finding a support in the king of Denmark. But her sentiments in regard to the court of Spain, still remain a profound secret.

Ferdinand VI. departed this life the 10th of August, and the queen dowager of Philip V. whom the late king's testament and the eventual letters of the present king her son invested with the regency, was called to it by the several councils of the kingdom. The private instructions of the present king expressly imported that every thing should proceed in the old channel during his absence, unless where it might be found absolutely requisite to depart from it, and the queen regent has strictly conformed to these orders. The ships of war, that lay in port, put to sea merely to convoy his majesty home to his new dominions, and the war and admiralty offices have done no business, but what related to the interior concerns of the monarchy. The courts of Europe may conceive great hopes from the accession of Charles III.

to

to the throne ; but none of them can determine with any certainty what part this monarch may take in the present crisis of affairs. People at London don't think like those at Paris and Vienna, on the arrangements already made, or to be made hereafter, in order to secure the peace of Italy. But if these arrangements procure the king of Sardinia either proportional addition of territory, or full security for what he already possesses : It never will be in the power of an English fleet to create fresh disturbances in that part of Europe. The coffee-house politicians, who are sure to discover ambitious views in all the proceedings of crowned heads, pretend to have discovered in the match now depending between the first archduke and the princess of Parma, the basis of a new partition treaty. They don't reflect, that tho' young princesses have been sometimes the seals of alliances between sovereigns, they never were the principal objects of any, unless they had territories to give away, along with their hands, to their future consorts. Certainly, the court of Vienna does not consider the princess of Parma in this light. The age of this princess rendered her the most suitable match for the young prince ; and the Empress Queen, intent upon procuring her son's happiness, would have been determined to make this choice by the personal accomplishments of the young princess, though her Imperial and Apostolical majesty saw nothing in this match capable of increasing the friendship, between the two houses. An alteration in the present system of Italian affairs must, if we may believe these politicians, be the unavoidable consequence of this marriage. The infant duke, father of the princess, is to have Tuscany, along with the dutchy of Ferrara, in lieu of which the state of Sienna is to be made over to the Pope. Placentia and its dependencies

pendancies are to pass into the hands of the king of Sardinia, who will cede his island to the infant duke, now become king. France, in fine, is to purchase these permutations by giving Lorrain as a portion to the young princefs.

It is not in a crisis of such importance as the present, that princes bestow their thoughts on uninteresting objects. The courts of Vienna, Versailles, and Petersburg, have not as yet so much as deliberated on the satisfaction, which the king of Prussia and his allies owe to the other powers of Europe. These three courts know too well, that however necessary it may be, it is equally difficult, to bring such enemies to terms. As they have not suffered themselves to be disheartened by the unexpected check given to the French army at Minden, so neither have they permitted themselves to be dazzled by the two great victories of Zullichau and Cunnersdorff. They have agreed on the properest methods of stopping the consequences of the first, and gathering the fruits of the latter. It cannot be expected, that the communication between three so distant allies should be very speedy, or that any one of the three, how close soever the connexion between them may be, should lose sight of her own private interests. The Russians must think on it more than once, before they withdraw from the banks of the Oder, to penetrate into Saxony. Prudence requires that in all important undertakings, greater regard should be had to possible miscarriages than eventual successes, and it was very possible that the king of Prussia might, after abandoning Saxony and part of his electorate of Brandenburg, find means to make the Russian army melt away, if I may be allowed the expression, in the midst of its conquests, by intercepting

the troops destined to reinforce and recruit it. It was the business of the Austrian general to pursue the operations fittest to bring on a final decision of the quarrel, and considering the irresolution into which the expectation or rather want of fresh instructions threw the Russian general, it became a capital concern of the Empress Queen to make use of her army to cover her own territories, and have her general at hand to act conformably to the plan settled at Petersburg. The French, seriously determined to alarm the English as much as possible with the fears of an invasion, and having for that purpose drawn all their land forces to the sea coast, wisely concluded that any new miscarriage, which might happen to them in Germany, must end in the complete ruin of their army there. This army was France's only resource, in case the invasion did not succeed; and an invasion could not take place, but in proportion as this army served as a bulwark to the power which undertook it.

The natural consequence of this double observation was, to endeavour at nothing more than keeping prince Ferdinand at as great a distance as possible from the Lower Rhine, which was naked and without defence; to check his progress by the first tenable place on this side of Hesse, and strive to recover the loss of the battle, by making the enemy equal losers by the campaign.

This is the true secret of the inconsequences observable in the military operations of the confederate powers. The generals of their several armies were to behave abstractedly from the ordinary rules of their art. It was no longer their business merely to carry on the war, but to carry it on in concert with the ministers of state. They saw themselves obliged to share in the perplex-

plexities of the cabinet, and regulate their conduct by its daily instructions. Reduced to the necessity of being constantly on their guard against the temptations of favourable opportunities, they not only were obliged, in not improving them, to screen themselves against the consequences of such omission, but even omit them so as to secure their return. Their situation must be allowed to have been very disadvantageous, considering they had to deal with an enemy, who regulates himself entirely by the issue of his military operations, and makes his cabinet depend on his armies; who makes war because in war he has placed all his hopes and all his resources. Constantly enterprizing without running any risk but that of being repulsed, he watches and even creates opportunities, and makes himself master of them. He may give full swing to his audacity, while his adversaries are obliged to be always circumspect, and must keep within the bounds of this perpetual circumspection. He still continues to maintain among the publick that military reputation, which is of such consequence in military affairs. The French, by acting merely on the defensive, appear weakened and even exhausted, they are suspected of being weary of the war, or discouraged by the ill success of it, while people, by the king of Prussia's beginning to act offensively again, are made to doubt of his late miscarriages. The reputation of the Prussian troops and of the powerful genius that animates them, has been encreased by marshal Daun's constancy to avoid coming to blows with either army. By these notions we may perfectly account for all the military operations of the last month.

C H A P. II.

Of Military Affairs.

THE hereditary prince of Brunswick, by surprizing the post of Coësfeld the first of August, cut off the retreat of the French through Westphalia. Marshal Contades, after the loss of the battle, found himself under a necessity of making the movement, which a victory would have secured. He passed the Weser, and took post on the right side of that river. Had the French army been thrown into that terrible disorder, in which the Hanoverian relations have represented it, it is impossible to account for its not having been more vigorously pursued by prince Ferdinand, then master of all the posts on that side of the river. If, on the other hand, the French troops did not suffer more by that affair, than the French relations allow, it is surprizing, that as there lay no fortified place in their way, they did not penetrate into the electorate of Havover, where they might have supplied the loss of their own magazines by seizing upon those of prince Ferdinand. The fortress of Hammeln on their right was at too great a distance to give them any uneasiness: Two days march might have carried them to the walls of Hanover, where prince Ferdinand would not have ventured to follow them, till he had been rejoined by the hereditary prince. It was a stroke equally sure and bold. We cannot imagine that it escaped the sagacity of the French generals; but then they could not but think it of some importance to have along with them the heavy baggage of their army, which lay at the other side of the Weser, and therefore concluded that the best thing they could do was to return up that river, keeping possession of the defies,

defiles, and when they had rejoined their baggage, march back to the Hanoverian army. But unhappily this baggage fell into the hands of the enemy. There has appeared a relation, in form of an apology, for the troops who had the care of it, but as this piece is not authentic, we cannot take upon us to censure or acquit them. By the time the marshal received an account of this unhappy affair, he was retreated too far to face about and risk a blow at his pursuers. He had nothing left but to precipitate his march towards Hesse, lest he should find the defiles in his way occupied by the enemy. As he had no magazines in that part of the country, it was impossible for him to maintain his ground in it, so that the only thing he could do, was to cover Franconia with his troops, and make what haste he could to places capable of supplying him with provisions. This long and painful retreat was not effected without blows. The hereditary prince of Brunswick came up with the rear-guard of the French army at Einbeck the eighth, attacked it with spirit, and was bravely received. This rub cost his highness about 1000 men killed and wounded. The 10th Mons. de St. Germain repulsed such another attack with equal success in the defiles of Minden. Mons. d'Armentières, who after taking Munster was going to lay siege to Lipstat, received intelligence during his march, that the loss of the battle and the marshal's retreat had brought the Hanoverian army between his flying camp and the French army. In this conjuncture the surest step he could have taken was to march back to Munster, or make the best of his way to the Lower Rhine. But as he had along with him a quantity of provisions and ammunition, which might be useful to the grand army, he ventured to convey them to it, and succeeded in the attempt. The corps under his command

mand consisted of 18 battalions and 28 squadrons, besides 3000 light troops. This was adding to the grand army more than it had lost, and enabling it to repair its miscarriages, if it had only been able to forget or support the loss of its baggage. By the 12th, all the different bodies were united in the neighbourhood of Cassel, and marshal Contades had replaced the artillery that fell into the hands of the enemy. This general proposed to make good his footing at Cassel: He little imagined that prince Ferdinand still entertained hopes of being before him at Franckfort, or that his highness was willing, by missing his blow, to run the risk of losing the fruits of his victory, and the advantages he might expect during the remaining part of the campaign. Messrs. de Broglie, de Chevreuse and d'Armentières were posted on his left, with orders to make head against the Hanoverian army in case it should attempt to penetrate by the right; but prince Ferdinand broke all these measures, and by a motion more to the right than the French generals thought he would venture, came on boldly and encamped the 18th at Corbach. This made it necessary for marshal Contades to abandon Cassel and Hesse. The 19th therefore he marched by Fritzlar and Marburg, after leaving 400 men at Cassel to capitulate for 1500 sick and wounded, who could not follow him. This city was occupied the same day by the Hanoverians. Their army arrived the 21st at Mengershausen. Prince Ferdinand was equally intent on annoying Mons. de Contades in his retreat to Franckfort, and to carry off Mons. d'Armentières at Wolffshagen. The French general shifted his quarters time enough to avoid the blow; but one of his advanced posts was obliged, for want of timely notice, to retreat by a rout different from that, which had been prescribed to it,

it, and another post, upon which it was to fall back, was, in consequence of its not receiving the general's orders, or early advice of his disappointment, overpowered and taken. The different bodies of the French army, by falling back successively one upon another towards Francfort, at last took post the beginning of September, in the neighbourhood of Gießen and Wetzlar. Here the marshals d' Estrées and de Contades resolved to remain, till prince Ferdinand should force them to a battle, or Monsf. d' Armentières diversion in Westphalia should draw his highness back to the Lippe. Neither happened. Monsf. d' Armentières relieved Munster, and could do no more, as general Imhoff lay in the neighbourhood with a considerable body of troops. Prince Ferdinand confined himself to the attack and surprize of posts. He attempted that of Wetzlar the 18th of September, but was repulsed by the duke of Broglie. He sent some detachments to his right, as far as the Rhine, with no better success. At length he retreated the 27th. The French army kept its ground. The greatest loss sustained by it since the battle of the first of August, fell upon its different corps of light troops, and and its advanced posts, several of which were surprized, surrounded, or overpowered by numbers. The Prussian troops have met with no such accidents in the countries invaded by them. The right of war, established by their generals, immediately changes the inhabitants of the conquered country into zealous subjects, and leaves them no choice between betraying their prince and their country, and begging their families. The French required nothing more of the community that had delivered itself into the hands of their sovereign's troops, than a reparation of their loss. The Prussians would have crushed it to pieces, had one of its members neglected

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to give them a single advice. The new right of war is rigorous and even unjust; but it is useful.

The instructions of their English and Prussian majesties, which recommended to prince Ferdinand not to give the French time to breathe, should, one would imagine, have been recalled after the battle lost by the latter at Cunnerdorff the 21st of August. The loss of more than 15000 men directly after that of between 5 and 6000, which the battle of Zuilichau cost him, rendered a reinforcement necessary to him for the preservation of Saxony. One half of prince Ferdinand's army was sufficient to guard the defiles of Minden and Einbeck, or even recover part of Hesse; which was the same thing as to drive the French as far back as Wetzlar. Nothing more however was required of his highness, than to send some small detachments of light troops towards Thuringia, where they had no success. The king of Prussia was willing to retrieve his loss without any foreign assistance. The Russian and Austrian armies having ceased to act against him, he imagined that he was making head against them, and stopping their career. But in the mean time, he had the mortification of seeing Saxony, that precious pledge, rescued from him by a third enemy from whom he little expected such a blow; and he is embarrassed by a Swedish army, whose efforts 7 or 8000 men might have easily baffled. It is useless to give a journal of the four great armies. The Austrian and Russian generals could attempt nothing, till their courts had concerted a plan for their future operations. For one whole month, they fought less to gain new advantages, than to lose nothing of those they had already obtained: Their adversaries, equally able and daring, were at liberty to improve every opportunity, by keeping themselves at a proper

proper distance. Marshal count Daun, however, during this month of observation found means to throw a new surprize in the way of the king of Prussia. This monarch, emboldened by his excellency's inaction, had detached some considerable bodies of troops into Pomerania and Saxony, so as to scarce leave himself between 25 and 30,000 men. Monsieur Fouquet, his general in Silesia, had to deal with a body of Austrians equal to his own: The marquis de Ville had taken post in the impregnable camp of Gorlitz, from whence he covered Bohemia, and kept prince Henry at bay. The king had advanced as far as Lubben in Lusatia. The field-marshal, who lay at Sorau equally at hand to attack the monarch and the prince his brother, thought himself on the eve of crushing one, and then returning to overwhelm the other: He gave orders for marching the 12th to Calaw, but two miles distant from Lubben. The camp was breaking up, when he received advice that prince Henry having marched towards Gorlitz, Monsieur de Ville had fallen back towards Bautzen and uncovered Bohemia, and the Austrian magazines. It was now therefore no longer time to deliberate: He marched towards Lohiz and Bautzen to reinforce his army with that of Mons. de Ville, and came to threaten prince Henry to pin him up in some corner of Bohemia, in case he ventured into it. With all his celerity, however, he could not save some small magazines that the prince had sent some light troops to destroy. But he so far over-awed his royal highness, that having immediately called in all his detachments, he kept himself on the defensive in his camp of Gorlitz, where he guessed the marshal would soon come to attack him. In fact, the Austrian army left Bautzen the 23d, and marched towards Reichenbach

and Landscron, where the marshal made his dispositions for attacking the intrenchments of Gortitz the next day. The prince did not think proper to wait for him; he decamped the same night, directing his march towards Sorau. This movement cost him part of his baggage, which was taken by some detachments the marshal sent after him, while he pursued him himself with the bulk of his army; one would imagine, that his royal highness could not avoid fighting, or being overtaken in his retreat, but all on a sudden he changed his route, and falling back towards Rothenburg, where he crossed the Neiss, he reached Hoyerfwerda, by a forced march of two days and two nights. The marshal had not foreseen so bold a stroke. It was now no longer in his power to hinder the prince from joining general Fink in Saxony; all he could do, was to prevent his getting the start of him in that electorate. He likewise changed his route, and by marches equally forced, came within sight of Dresden the 29th, and there crossed the Elbe to throw himself between the Prussian army and that capital. The prince has joined general Fink behind Meissen. The marshal seems resolved to march up to him. By all appearances we may every day expect the news of another engagement. Generals of abilities nearly equal are not very ready to come to a decisive action. In the interview at Guben between the marshals Daun and Soltikow the 22d of August, it was resolved, that the latter should march into Silesia, and the former, watching equally the motions of the king's army and that of the prince his brother, should make it his chief business to over-awe the first. The king, on his side, seemed to leave to the prince his brother the care of observing the Russian army. It became equally requisite to change both these plans after the successful march

march of his royal highness towards Gorlitz. Saxony became the object of the prince, and the prince's army the object of marshal Daun. The king marched in pursuit of the Russian army, and this army, reinforced the 15th of September by 10 Austrian regiments, with which Laudhon's corps had been augmented, has entered Silesia, where marching towards Glogau, as it were to besiege that place, it takes great care not to expose its left flank, and to keep the king of Prussia on on its right, in order to secure the country behind it, and the banks of the Oder.

The operations of the German army, reinforced by a body of Austrian troops under general Haddik, have been much more useful than brilliant. Its general, the prince of Deuxponts, by taking Leipfick, Wittemberg and Torgau, paved the way for the recovery of Dresden. But afraid to weaken himself too much, by leaving in these three places garrisons strong enough to defend them, he soon saw the glory of his conquest impaired. A general Wunsch suddenly starting up, as it were, in the middle of Saxony, (for we scarcely know how he came into it) with between 4 and 5000 men, retook Wittemberg and Torgau, had the assurance to present himself before Dresden in order to relieve it, came by taking Leipfic to console himself for his want of success before the capital, and after scouring the whole Electorate with amazing security, put an end to his career by joining general Fink, whom the king of Prussia had sent to recover Dresden. These two Prussian bodies have formed an army of between 18 and 20,000 men, to meet which, and give it battle, the prince of Deuxponts marched the 19th towards Meissen. The Prussian general took the wisest measures to secure his retreat, making, as if he intended to attack the right

wing of the German army, while his artillery and baggage filed off in order to gain the heights of Meissen. The prince altered his position, to cover his right; and general Fink took advantage of the time which these movements required. The 20th was spent in skirmishes between the advanced posts. The prince attacked the main body of the Prussians the morning of the 21st. The artillery played very briskly and did great execution. The Prussian cavalry did not second its infantry. General Fink pretends that it was a drawn battle; but it is certain, that his loss was greater than that of the German army, that this action interrupted his march towards Dresden, that prince Henry found him in the camp to which he retreated after the action, and in fine, that he did not think proper to pursue the army of the Empire, when on the 23d it marched back to its former camp of Wilsdruff, where it still remains, under the protection of all marshal Daun's forces.

The Swedish army took the field very late. We must look for the first causes of this dilatoriness in the secrets of the cabinet. The count de Lieven, a lieutenant-general in the Swedish service, returned from Petersburg the middle of July, with the plan of operations that had been agreed upon there. The army put itself in motion the beginning of August, and encamped the 27th at Bartow, after having occupied the posts which the Prussian general left defenceless by the retreat of de Kleist. It met with no obstacle in crossing the Pene. The fort of Utermunde surrendered to it, and the lieutenant-general count de Fersen having forced the post of Swina, it was impossible for the island of Usedom to hold out. The Swedish general encamped at Pasewalk, made himself master of the castle of Lochnitz the 6th, and thereby opened a secure road for his convoys. The 10th, a little squadron of Swedish galleys attacked, took, or dispersed

perfed the Pruffian veffels, which defended the Frich-Haff, and the conqueft of the ifle of Wollin was the fruit of this advantage. At length the king of Pruffia feemed to grow uneasy at the progrefs of this little army; and detached general de Manteuffel againft it.

Neither the capacity of generals, nor the courage of the troops under them could ever make amends for the flownefs and irrefolution inseparable from confederacies. 'Tis in war that defpotifm is ufeful, or rather abfolutely requifite. Rome, fo jealous of her liberty, fubmitted to the yoke of arbitrary power, as foon as war became any thing more than a bare exercife for her. The difficulty of eftablifhing a harmony between four armies, each depending on its own court, and that court at fo great a diftance from the three others, has conftituted the chief advantage of his Pruffian majefty during thefe three campaigns. The court of London has left this monarch mafter of the operations of all the armies in Germany, and his majefty has done no more than barely keep himfelf on a level, though not without lofs, with the confederate armies. It is impoffible to determine exactly, how the campaign may end with this prince. If Saxony remains in the hands of its deliverers, the marfhals Daun and de Soltikow will have done this campaign a great part of what would otherwife be the bufinefs of the next; and if the prefervation of Saxony fhould happen to be the fruit of a new victory, Germany may flatter herfelf with the hopes of an approaching calm.

This German war, produced by the quarrel between France and Great Britain, is for thefe two powers, an incident that can conclude little or nothing, though relatively to the general fyftem they are deeply concerned in it. Their poffeffions in America form the ground of this quarrel. Their rivalfhip in trade and navigation
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creates and keeps up the animosity between them. 'Tis in America, 'tis on the sea, or by an invasion of England that the difference between them must be decided. The preparations for a descent begun in the ports of France are still carried on with the same briskness. England abates nothing of her activity in making the properest dispositions to defend her coasts and sea-ports. She still maintains a squadron in the Mediterranean under the orders of admiral Broderick; another much stronger, of about 40 men of war, on the coast of Brittany; a third under admiral Rodney on the coast of Normandy; a fourth before Dunkirk, commanded by commodore Boys; and is actually preparing a fifth to cruise in the channel, under the command of admiral Callis. These powerful efforts have procured her no advantages in Europe, but the inaction of the French marine; but the counter-blow of these efforts has been severely felt by France on the continent of America. Her settlements in Canada, left to themselves, have been successively invaded and carried by the different bodies of the English troops, that are to unite before Quebec. The French governor of Canada, who has lost every thing but that capital and Mount-Real, has re-assembled all his forces to defend the former. The English, to whom we are obliged to trust for all our accounts from this part of the world, say that the little French army consists of about 14,000 men, and that their general Wolfe, though but 8000 strong, has had the assurance to lay siege to Quebec, without staying to be reinforced by the other generals his colleagues. If this is true, we may give some credit to the report of the French general having been defeated. It is not probable, that with this superiority he should not endeavour to improve so fair an opportunity.

C H A P.

C H A P. III.

Of the Civil State of Europe.

THE origin of sovereign power has been for a long time a question among divines. No doubt they had in view to strengthen public tranquillity, by referring directly to religion the fundamental convention of society. But they imposed upon themselves, in deriving immediately from the divine law, the rights of sovereigns and the duties of subjects. The divine law has done nothing more than ratify the contract, which originally constituted one and the other, and consecrate the respective convention, by proscribing in a special manner the perjuries, with which the breach of it is attended. In a word, the authority of the heads, and the obedience of the members, being the basis of society, the divine law has provided for the solidity of this basis by propping it with all its most solemn and dreadful institutions. Before God dictated to Moses the Jewish law, there were societies and even great empires, both diversely formed. But they may be referred to two kinds, which have not varied but as to certain modifications indifferent in regard to the substance. It was by force, or voluntary concurrence, that societies were first formed. In these of the first kind, the conventions were few and absolute, because they were dictated by masters, who admitted no meaning but their own, and who either looked upon themselves as incapable of abusing power, or were desirous to secure to themselves the liberty of abusing it with impunity. The societies formed by these absolute chiefs encreased by the addition of others, whom they obliged to incorporate themselves with the original society, or who of themselves applied for incorporation. The first received

ceived the laws of the conqueror, the last obtained leave from him to retain their old laws. It is thus that the great states, founded and aggrandized by arms, have composed their civil code. The societies formed by a voluntary concourse, multiplied their conventions in proportion to the degree of liberty, with which the individuals composing them concurred. These, careful to guard against any abuse of that authority, with which they entrusted one or several heads, thought proper to explain themselves concerning all the senses, in which the different concessions made by them might be taken. Each was watchful to render its private security independent of caprice. In giving themselves chiefs, who should interpret the laws without being able to overrule them, they thought proper that an authorized commentary should furnish them with opportunities of disputing with these interpreters the justness of their interpretations. Hence the incidental questions and the formalities, in the tribunals of those states, where the power of the head is limited. *Monf. de Montesquieu takes it for granted, that the shortness of juridical proceedings, in any state, is the measure of its freedom: That in those, where suits at law are attended with least trouble and expence, either the right of property is less real, or less solidly established; and that where differences are decided by words or blows only, the welfare of the people is in the hands of absolute masters.*

The histories of all ages favour this principle, provided we do not honour with the name of government that Gothick anarchy, in which every man made his sword the measure of his pretensions. Four thousand lawyers, and double that number of attornies, who thrive in London on the quarrels between private persons, compared with the small number of gown-men, which

which the Frederician Code admits of in the states of his Prussian majesty, make it an easy matter to find that the other differences which subsist between the two monarchies are on an exact level with this disproportion. By the same *datum* too, we might pretty exactly measure the degree of liberty enjoyed by the other people of Europe.

OF R U S S I A.

The vast empire of Russia is one of those founded and encreased by arms. 'Till Iwan Bazilowitz ascended the throne in 1568, the laws were no better than old customs, or oral traditions; and even of these there was no collection. 'Till the reign of Alexis Michaelowitz, the *Russian Code* was confined to Iwan's compilation. But this last Czar digested and made additions to it in 1649, and his successors have added their decrees to it. The Czar Peter was no stranger to its monstrous imperfections. But he was afraid to undertake the correction of them, as it could not be done without subdividing that authority, the sole enjoyment of which he aimed at, and losing a great deal of that, which he already enjoyed.

The partition of the ancient empire of the Russias into fourteen governments, received no alteration from the acquisitions of Peter. The conquered provinces have, to a trifling matter, preserved their ancient laws; and there has been erected for them at Petersburg a supreme chamber of appeals, composed of members chosen from the great tribunal of Moscow. Each of the ancient governments is divided into districts, called Vaivodes, where judges, residing on the spot, take cognizance of disputes for small matters, and decide them as expeditiously, as the most expeditious Cadis of Turkey. The

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more considerable causes are carried before the tribunal of the Vaivode, from whence there lies an appeal to the great tribunal of Moscow, called *Sudno-Prisai*. The proceedings every where are very short, and trials for criminal matters generally end in the corporal punishment of the guilty. The peasant is bond-man to the nobleman, and the nobleman himself is bond-man to the monarch, who obliges himself in nothing to his people, but to govern them according to the natural law and the Greek religion.

Till the reign of Peter the Great, the throne of Russia was hereditary in a direct line; and as often as the possessors failed of issue, the nation had the right of choosing itself a sovereign. It was by the suffrages of the nation, that the family of Romanow, which has reigned since the year 1613, received the crown. Peter the Great, whom family misfortunes had deprived of his son, and whom a well-merited tenderness attached to the empress Catherine, enacted, that for the future the succession to the throne should be at the disposal of the last possessor, without any regard to proximity of blood; and his edict is become a law of the empire. Thus, after having united to the crown the rights of the Patriarch, the Czar Peter left his successors the most extensive despotism on the face of the earth. Every thing is referred to the sovereign, every thing flows from him. The senate, the council of war, the synod, the great civil tribunals, owe their activity and their existence to his will and pleasure. The pain of death, formerly so cruel and withal so common in this empire, is still pronounced, but no longer inflicted. The humanity of the reigning empress has proscribed this punishment, so destructive

destructive of the human species. Mutilation, and banishment to Siberia, are now become the punishment of the greatest criminals.

OF S W E D E N.

Revolutions which strike at the nature of a government, generally end in a transition from one excess to another. Liberty, in Sweden, was almost as extensive as slavery in Russia, when Charles XI. assembled the states of the kingdom in 1680, to complain to them of the licence and little subordination, to which he attributed the ill success of the war, which the good offices of France had just put an end to. From a limited monarchy, such as it was under Gustavus Adolphus and Charles X. the government of Sweden fell into an oligarchy during a long minority. The senators stiled themselves counsellors of the kingdom; they considered themselves as mediators in their own right between the king and the states; they gave themselves out for the censors of the administration, and the pedagogues of the monarch. They divided between them the different departments, and seldom accounted for their behaviour to any one but themselves. The king was, in a manner, under their guardianship. Charles XI. at the head of his armies, felt all the weight of this dependance; and the people, accustomed to conquer under other kings, readily attributed the continual losses, which they had sustained in the war against the elector of Brandenburg and the king of Denmark, to the corruption of the government. Charles took advantage of these dispositions to revenge himself and break his chains. He resolved to correct the abuses, and perhaps all he at first presumed to hope, was to be

able to restore to the royal authority the superiority it had under Gustavus Adolphus and Charles X. But the eate, with which he accomplished his designs, gave him a taste for absolute power; and the complaisance of the states holding out to the end, he new-modelled and entirely changed the constitution of the government.

A chamber of justice, which he called *the great commission*, enquired into all the alienations of the crown lands, and all the malversations in the different departments. The senators, till then above the laws, were obliged to submit to this tribunal, which making the odium of its proceedings fall upon the states, from whom it held its supreme authority, carried its severities to a degree of vexation and cruelty. The senators and most powerful members of the nobility, beggared by the enormous restitutions to which it condemned them, were forced to give way. They were no longer considered but as the king's counsellors; and Charles even thought proper to leave them nothing of that dignity but the empty title. As he found himself pinched by the Formula which imported, *that the king was bound to govern with the advice of the senate*, he caused a vague declaration to be made by the deputies of the assembly, that all things should be understood without any prejudice to the royal authority; and he backed this declaration by an edict which he issued of his own motion, and which imported, *that leaving to the terms of the law their entire force, he would govern the kingdom with the advice of the senate*; but that he reserved to himself the right of determining, in what cases he might stand in need of its advice. The enthusiastick love, which the burghers and the peasants bore their monarch, being supported

supported by the jealousy, with which they at the same time eyed the nobility, Charles gave it no time to cool. Having extraordinarily called the states two years after, he played off the bitterness, that prevailed between the two parties, with so much dexterity, that he caused the majority to confer upon him the power of *putting the kingdom upon whatever footing he pleased, and by whatever means he should think proper.*

From this moment the Swedish government became absolute. The king in 1686 ordered those laws to be digested, which Charles IX. had corrected in 1608, and Gustavus Adolphus had augmented ten years after. He added to them some explanations, and a great many new articles, both favourable to that kind of administration which he had established. This code was insufficient for a country, where the Roman laws had never been received. The confusions during the reign of Charles XII. but just permitted the evil to appear, without leaving room to apply a remedy. But it was the first object of the states, as soon as the death of Charles XII. without posterity left them at liberty, if not to chuse themselves a king, at least to capitulate with him.

The assembly called at Stockholm the 31st of January, 1719, destroyed in a day all the work of two reigns. The four orders unanimously enacted, that for the future they should enjoy the right of chusing their king, without the children of the possessor enjoying any other privilege but that of being preferred, when equally possessed of all the qualities required. They decreed, that for the future the legislative power should reside in the states; that no taxes should be raised without their consent; that peace and war should be made only

only by the advice of the senate; that the senators should be named by the nobility, and only approved of by the king; that a plurality of voices in the senate, when the king was absent, should form or be deemed a resolution; that the regency, during an interregnum, should reside in the senate; that the presidents of all the great tribunals should be senators; that the troops should never take the field, but by an order of the monarch given in full senate; that the oath of allegiance, to be taken by both land and sea officers, should be to the king, the kingdom, and the states; that, in fine, the nobles in all capital affairs should be subject to no other jurisdiction, but that of the great tribunal or council of the court, called *Hoof-Rasben*. This new form of government was agreed to by queen Ulrica Eleonora, sister to Charles XII. This was a constitution as contrary to that which it succeeded, as this last had been to that it had destroyed. The marshal of the nobles, the archbishop of Upsal, the first burgomaster of Stockholm, and the secretary of the peasants, signed and ratified it in the name of the orders they represented. In the month of April of the following year, the queen having desired leave to associate prince Frederic of Hesse her husband to the throne, the states signalized the return of their authority by refusing her request. They insisted on her first abdicating it herself, and, as if her resignation in favour of her spouse had been a simple and pure abdication, which rendered the throne vacant, they exacted from the prince the same capitulation they could have done from a candidate, who had no other title to it but their suffrages. The queen was convinced that the despotism of the late king had been the cause of Sweden's misfortunes. She

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sincerely loved her country; and was inspired by the true glory of restoring it to its laws. The prince her spouse put the finishing hand to the work she had begun, and perhaps he went too far. He bound himself to inform the states of every thing, that might come to his knowledge relative to the re-establishment of arbitrary power. He freed from their oath of fidelity the four orders of the kingdom, in case he attempted to alter the new constitution. This was more than enough to confirm it. The balance was no longer equal between the two powers. One of them, which recovered more than it had lost, must naturally have been uneasy for the preservation of its new acquired privileges. The other, which had parted with more of its prerogative than was requisite, must as naturally have been watchful to find out an opportunity of retrieving its loss. There could not therefore but arise a mutual diffidence and jealousy between the two parties, the seeds of which must inevitably show themselves, as soon as they came to be better acquainted with their new situation. The charm of novelty suspended this fermentation. The king and the states, who had so much business on their hands relative to the general welfare, were a long time without trying their rival powers. In the assemblies of 1721 and 1734, both these powers concurred to the composition of a new civil code, which was published in 1736 with the consent of the states, backed by the king's approbation.

The ancient forms made use of in the administration of justice were re-established. The peasants, or husbandmen, who compose the third estate in a great kingdom that can scarce reckon more than three cities, had perpetual tribunals erected in their several districts, where twelve

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of them, stiled assessors or assistant judges of a mayor named by the king, form that judgment of peers or equals so much insisted upon in the Saxon laws, of which it was the best institution. There lies an appeal from this ordinary seat of justice to one of the twelve provincial tribunals. The governor presides in these last, which follow him wherever he pleases to fix his residence. These are our ancient itinerant courts of Exchequer. They judge in the last instance in all affairs that are not over complex, or of any great importance. But an appeal from them is generally granted, and is made to one of the three great tribunals, which are called the supreme tribunals of the court : That which takes cognizance of the affairs of Sweden Proper, sits at Stockholm : That for Gothland at Jenkoping : Finland has her own at Abo. Each of these three great tribunals consists of a president, vice-president, some counsellors, and several assistant judges : The forms are easy in ordinary proceedings, but it is quite otherwise in great causes. Sweden is a royal republic still in its infancy. Her constitution, formed in haste, has as yet acquired nothing, but what is absolutely necessary for its existence. Time will acquaint her by degrees with what she still wants : Instructed by experience, she will remedy by new regulations the inconveniences which she did not foresee at her first setting out.

OF DENMARK.

Charles XII. of Sweden, in the revolution of 1680, took for model Frederic III. of Denmark, who in 1660 had established the royal authority upon the ruins of the authority, whether lawful or usurped, of the Danish nobility. The two revolutions were produced by the same causes,

causes, and the same springs brought both to a bearing. But the genius and character of the two sovereigns have given them a very different turn. Frederic sought to be absolute, because he judged it necessary for the welfare of his people; Charles aimed at despotism through taste. The first, having procured an absolute power to be lodged in him, by three of the four orders composing the nation, made haste to limit this power by publishing laws. The other, afraid to declare openly, that he wanted to govern alone, eluded the terms of the law which he should have annihilated, and by this want of boldness, through which the pretensions of the senators were permitted to subsist, he placed in the first order of the kingdom seeds of discontent, which could not fail of breaking out sooner or later in some less severe or less prosperous reign. He appeared always intent upon things above his authority; and Frederic, on the contrary, had nothing more at heart, than to make it appear on all occasions, that he would aim at nothing that did not fall short of his.

It was in 1665 that he issued the famous edict, called *the Royal Law*, which he signed himself, and made all his people accept by an irrevocable oath. The nobility, seeing the clergy, the burghers, and the peasants, combined with the king against them, grew tired of resisting the torrent. They submitted like the three other estates; and Frederic, content with having stript them of their abusive rights and privileges, granted them a composition as advantageous, as the nature of the new government would allow.

The political constitution made the first object of the royal law. Since the beginning of the fifteenth century, the inheritance of the crown had been in a state of per-

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eternal fluctuation, and now wanted little of being elective. The royal law ordained, that the kingdom for the future should be indivisible, and that the posterity of Frederic III. should succeed to the throne, with due regard to antiquity of line and proximity of blood; the males to be always preferred to the females, and a princess born of a male to a prince born of a female. The king's majority was fixed at 13 years. The regency was left to the nomination of the dying monarch, in default of which the law appoints the queen-dowager, and in her stead, if dead or re-married, the first prince of the blood joint regent with seven of the deceased king's ministers. Every thing is to be decided in this council of regency by a plurality of votes; but the queen regent is allowed two. The privy council of state has the king for president, and is to be composed of no more than four counsellors. Under this council are two chanceries, the Danish for the affairs of Denmark and Norway, and the German for those of Sleswick, Holstein, Oldenbourg, and all foreign affairs of state. The Lutheran religion, which is that of the state, does not absolutely proscribe the other communions. But it is death by law for any Catholick monk or friar to come into the kingdom. Twelve bishops, 160 provosts or deans, and the parsons of the several parishes, compose a rich but well regulated hierarchy. The deans every year visit the churches of their district. They have likewise a jurisdiction over the schools. They assemble twice a year. The bishops are to visit their whole diocese every three years, and hold synods at stated times along with their provosts. The provosts are elected by the parsons of the parishes, and confirmed by the bishops. The bishops are named by the king. The presidency of the synods is divided between the bishops and a royal commissary. A tribunal composed

fed of an equal number of ecclesiastics and laymen takes cognizance of, and judges without appeal in all ecclesiastical cases. This court sits at Copenhagen, and is called *the College of general Inspection*.

Frederic had no time to be a legislator for civil affairs. Content with first correcting the most glaring abuses, he commissioned a man of great learning, called Erasmus Vinding, to whom he gave a place in his council of state, to collect and digest all the laws and customs of Denmark. Vinding applied himself to this task from 1661 to 1669, when Frederick died, before it was finished. Christian V. his son and successor, pressed the work, and caused it to be examined five or six times by the ablest men of his kingdom. At last he approved it, and in the beginning of 1683, published as much of the *Christian Code* as relates to Denmark. The other parts, relating to Norway, Iceland, and Jutland, did not appear till the year 1667. They consisted of nothing but the ancient laws of these countries new-moulded. Jutland refers hers to the reign of Waldemar II. in 1240. They had borrowed a great deal from the Cannon and Saxon laws. The amendments were of little importance. The *Norwegian Code* is in the main the same with the Danish. All the difference between them is in regard to some old customs, which the legislator thought proper to respect or to tolerate. This political condescension of the kings of Denmark, secures to their people all the real blessings of liberty under an absolute despotism. Every order of the state has its own particular tribunals. Those of the nobility and burghers have nothing singular in their form, but their being short. But those of the peasants have the advantage in this respect. The tribunals for the first complaint consists of a judge named by the

king, and eight of the chief inhabitants of the place where the dispute arises, who act as his assistants. These courts sit once a week. Both plaintiffs and defendants are their own lawyers and attorneys. From the judgment of these courts there lies an appeal to the tribunals of the several districts, which are composed of two judges, assisted by the principal freeholders. They sit once a month. Those of Ringstædt in Zealand, Odense in Funen, Viborg in Jutland, and Mariboë in Lapland are the principal. In fine, the supreme court is at Copenhagen, and sits almost the whole year. Here the parties may employ lawyers and produce writings. In the small towns there are tribunals composed of a provost or kind of sheriff, several burghers and a register. 'Tis the same thing nearly in the great towns. But there lies an appeal from this court to the body of the magistrates. The king always reserves to himself a right of a more ample re-hearing, in case either of the parties should think proper to apply for it.

OF ENGLAND.

The civil state of England is blended with the political. But it has not, by a great deal, been so much impaired by revolutions. The English derive their best laws from the reign of Gothick barbarism. They are even indebted to these times of ignorance for the best institutions observed in their law proceedings. Most of the civil laws have been altered by the changes, which the political constitution has suffered. At one time it was necessary to accommodate them to the interests of the sovereign, and at another time to the interests of those, who struggled against him. The liberty of individuals has suffered greatly by the shocks, which served
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to settle and confirm, what is called the liberty of the nation. For want of distinguishing this double liberty, and the use made of the last, the ablest writers have been mistaken in their accounts of England. In the eyes of a man brought up under a well regulated monarchial government, every Englishman appears an independant being, who may with impunity carry his liberty to a degree of licentiousness. A republican, who does not suffer himself to be imposed upon by some striking circumstances, and who measures the liberty of a people by the exact proportion that exists between the different orders of the state, can perceive nothing in England, but the mere shadow of true civil and political liberty. He is told that the people of England are free, and that they give laws to their king; but he sees at the same time that some great men, more or less in number, either enslave the nation to the will of the prince, to whose pleasure they have devoted themselves, or render it refractory to his wishes, when he has not gained them. He sees the principal civil laws eluded or opposed by contrary laws, and in vain endeavours to find out, where is the necessity that, to defend any laws, the protectors of such laws should be placed above them. The laws have received no portions of the authority from time to time wrested from the monarch. All the losses of the monarchy have turned to the advantage of an oligarchy, which the people relished merely by gratuitously attributing to it virtues which they did not think a monarchy possessed of.

Canute, who conquered England in 1017, gave her the laws of Denmark, which St. Edward reformed and incorporated with the ancient Anglo-Saxon and British laws. The government was then Gothic or feudal, as in most of the other countries of Europe. On the death

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of Canute without children, the states of England, then composed of barons and prelates, disposed of the crown. William the bastard, duke of Normandy, set up for Edward's heir, and the victory he obtained in a great battle, procured him the succession. He was both conqueror and legislator. He not only imposed the laws of Normandy on the English, but made them receive these laws in the original language. All the law writings and pleadings were in the Norman language. Till the reign of John, surnamed *Lack-land*, England suffered no revolution but in common with France, and the other feudal governments. Her kings gave the towns privileges, which in some respects put them on a level with the barons. But Henry II. son to the conqueror, endeared himself to his subjects by abolishing a law which seemed to be made for slaves. William had forbid them, on pain of death, the use of candle-light or fire in their houses after eight o'clock at night. This was not a regulation that merely regarded the police, and copied, as Mr. Voltaire would have it, from the Northern nations. It was an excellent precaution to prevent clandestine assemblies, and nocturnal conferences, where generally able chiefs prepare the insurrection of people, who hate the yoke; this was the design of the edict. The people prejudiced in favour of the king by this concession, submitted without murmuring to his order for establishing uniform weights and measures all over England. This prince confirmed himself in the goodwill of his subjects, by reviving the laws of St. Edward, despised by the conqueror. In fine, he signed a charter or collection of different concessions made by him to his subjects. His whole family having perished by the loss of a vessel, on board of which they were crossing over from Normandy to England, Stephen of Anjou,

Andu, married to Mathilda, succeeded him. The crown was disputed with this last, by a bastard of Robert, eldest son of the late king. He was under a necessity of providing for his defence, and left the kingdom in the same condition nearly that he had found it, to Henry II, his son. He intended to have improved the civil state of England, but was stop't short in his first attempts. He began by forbidding his subjects to appeal to the court of Rome, and would have the clergy submit to the secular tribunals. Thomas Becket, archbishop of Canterbury, declared himself the church's champion, and made head against the king, who soon lost patience, and in a fit of anger invited his faithful servants to rid him of a man, whom he treated as a seditious person. Upon this some courtiers, over-hasty to serve him, went and murdered the prelate in his church. The steps taken by Rome to punish this crime rendered the whole reign stormy. That of Richard, surnamed *Heart of Lion*, who succeeded him, was not more quiet. This prince gave into the rage of the Crusades, which depopulated and impoverished Europe. He left his throne to his brother John, surnamed *Lack-land*. John was cited to the court of peers by the king of France, Philip Augustus, to answer for the murder of his nephew, son to his eldest brother, was condemned by it for contumacy, and stript of the Fiefs he held under the crown of France. He was soon after excommunicated by pope Innocent III. but warded off the ill consequences, with which this blow might be attended, by acknowledging himself a vassal and tributary of the holy see, and became contemptible in the eyes of his subjects. He was just on the point of being dethroned by them, when he disarmed them by a kind of

of capitulation, known by the name of the *Great Charter* or *Charta Magna*.

This forced convention, which John would have recalled soon after he had granted it, contains the principal Anglo-Saxon laws digested by Edward the confessor, annulled by William the conqueror, restored by Henry I, and continually attacked and misconstrued by his successor. All the pretensions of the nation, as to their political liberty, have been formed to this day, by appealing to this *Great Charter*, which, in this respect, contains nothing applicable to the nation, except the necessity of the barons consent for the imposition of extraordinary taxes. This *Great Charter* is scarce ever cited in civil affairs; and it contains the first and most solid principles of the liberty of individuals. All to the necessary formalities, it nearly contains the whole Code.

A great number of the 67 articles composing this charter, relate to the feudal government, which no longer exists. The others constitute the ground and form of distributive justice. John, in the preamble of this convention, styles it a favour. He there fixes the nature of it, by declaring that it is a cession which he makes of his rights to his people. The 10th article abolishes the right of seizing the immoveable goods of solvent debtors, who chuse to pay out of their moveable goods. By the 11th, the lawful redress of the creditor is confined to the seizure of the moveables and rents of the debtor, and a recourse against his security. The 12th and 13th, make a singular distinction between the debts contracted with Christians, and those contracted with Jews. If the debtor at his death leaves an heir that is a minor, the minor is only obliged to pay the principal,

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and even that same he need not pay till of age. The dowager is not bound for the whole debts of her deceased husband; and if his effects scarce suffice to pay his debts, there must first be deducted from them, wherewith to maintain the children according to their condition; the Jew must take up with the remainder. The 16th article contains the title of the house of commons. John thereby grants to all the cities and towns, to the barons of the Cinque-Ports, and to the other ports, the privilege of sending deputies to the *Common Council* (the same thing as the parliament) there to regulate the contributions. In the 18th article it is said, that general notice shall be given of the holding of the *Common Council*, or general assembly, 40 days before it is to meet, and that the object of its future deliberations shall at the same time be made public. The 22d article fixes the tribunal of justice, which used to follow the king, and points out to it the affairs, of which it is not to take cognizance. The 23d article forbids the itinerant judges to remove from the places where they were commenced, such causes as they may not have time to decide there, and orders these causes to be brought into the court of King's-Bench, and all appeals from the itinerant judges to be brought into the same court, which sits in the capital. The 25th article secures a competent subsistence and his implements of husbandry to the guilty and amerced tenant, as likewise to the merchant wherewith to carry on his commerce. Their faults are to be rated and punished by the oaths of twelve of their neighbours of allowed probity. By the 27th article, the counts and barons are to be tried by their peers. By the 28th, all ecclesiastical goods are exempted from fines for any faults committed by their possessors. By the 34th, the effects of

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persons dying intestate, go to the natural heirs. The 38th secures all the subjects in the possession of their property : The king renounces the right his officers heretofore claimed of taking for his service their horses, carriages, &c. The 41st, renders the fishery free in all rivers. The 42d, abolishes the letters of recommendation in favour of either of the litigant parties. The 43d, establishes one kind of weight and one kind of measure for the whole kingdom. The 44th, promises the gratuitous making out of orders for the trial of suits. The 47th, enacts, that no man shall be obliged to vindicate himself on oath on the simple accusation of an officer of justice. The 48th forbids any man whatsoever to be arrested, imprisoned, stript of his property, or put to death, till he has been judged by his peers according to the ancient Anglo-Saxon laws. The liberty of commerce is secured by the 50th. By the 58th a woman is not admitted to bring a criminal action against, or sue for the imprisonment of any man, but the murderer of her husband. By the 60th the itinerant judges are to perform their circuits twice a year, viz. at Easter and Michaelmas. The 62d fixes the salaries payable to the sheriffs and itinerant judges. The donation of immoveables to religious houses is forbid by the 63d and 64th.

To know how little the civil laws, on which the liberty of individuals depends, have gained by the different revolutions, which have produced in England the liberty of the nation, we need only compare with some articles of the *great charter* the present practice in similar cases. The ancient common-council is the parliament. The third estate, to which the great charter at most granted the privilege of remonstrating, assumed a share

share of the legislative power in the reign of Edward IV. But no regard is paid to the 18th article, by which it was stipulated, that at the time of calling this common-council, which should be done 40 days before that on which it was to meet, the king should make known what were to be the objects of its deliberations; and in consequence of this omission, the deputies, coming to parliament without any instructions from their constituents, appropriate to themselves that authority, of which they are only the depositaries, and leave no real influence in public affairs to that portion of the people, of which they stile themselves the representatives. Commissioners not accountable for their behaviour, and mistaken deputies decide like masters, when they should only act as interpreters. Their goods and persons enjoy the protection of the law of nations. John gave up the custom of carrying off for his service the horses and carriages of his subjects. The famous law of *habeas corpus* was made to soften the infraction of the 48th article of the *great charter*, which admits of no imprisonment till the peers of the criminal have pronounced it just. The *habeas corpus* has supposed the possibility of imprisonment without any such previous discussion, and only serves to enlarge the prisoner where it does not appear that he has been imprisoned upon the oath of the accuser in criminal, or the plaintiff in civil matters. This law, the benefit of which is attended with great expence, has been suspended more than once. The court found herself confined by it; and in 1722, on the general fear of the pretender and a conspiracy, the parliament gave up to the direction of the ministers, all those they should think proper to suspect. By the 2d article of the *great charter*, the creditor is allowed no re-

course but against the goods and security of the debtor. The law at present gives him immediate recourse against the debtor's body. We must allow, however, that this severe law, so favourable to the malice of secret enemies, is often corrected by others, called Acts of Insolvency, made purposely to free the bodies of imprisoned debtors, and even fugitives for debt, surrendering themselves within a limited time, from the claws of the creditors, to whom they only leave a recourse against their debtor's effects. These particular laws are generally made on the accession of a king, the calling of a new parliament, and other grand events.

The courts of justice have been pretty much the same for several ages past. In cases not provided against by an express law, the judges have recourse to the common law, which is nothing else but the Roman law. The ecclesiastical court, and the courts of Admiralty, have their own maxims to go by. The canon law is admitted, when not found to clash with the received sense of Scripture, and the king's supremacy. The acts of parliament generally build upon the Saxon and Norman laws, whose meaning it is no difficult matter to explain so, as to make them coincide with present circumstances and the views of the legislature. Justice is administered at the king's or the kingdom's expence. Civil and criminal suits are both tried before the ordinary judges. Before the party accused can be brought to trial in criminal affairs, the fact must be unanimously judged to exist by 24 men of the neighbourhood, and of equal condition nearly with the party accused. These men are summoned together by the sheriff, who is the officer charged with the execution of justice, and sworn before the judges who are to try the supposed criminal. The body of these men is called the grand jury, and every man in particular a jury-man.

man. There is another jury, called the petty jury, composed of 12 men like the former, who assist upon oath at all trials both for civil and criminal matters. To form this petty jury, according to whose unanimous opinion the judge must decide, the sheriff summons a number of persons, whose names are drawn out of a box, and as they come up, the parties concerned may refuse 12, without giving any reason for their refusal, and as many more as they can object any thing material against; and in this they are allowed great latitude. These men may ask what questions they please during the course of the trial. When over, one of the judges recapitulates all that has been said on both sides, makes his remarks thereon, explains such points of law, as the jurymen may be supposed not to understand, and then sends them into an adjoining chamber to consider further of the matter. It now stands upon them to sift the proofs with all the diligence they are masters of, for not only they are locked up, but denied all manner of nourishment, and even the use of fire and candle light, till they unanimously agree. One of them, chosen by the rest, and called their foreman, speaks for all, and does it very laconically. In criminal matters the president or judge asks him, "Guilty or not guilty;" and in civil matters, "Who do you find for, the plaintiff or the defendant;" to which the foreman barely answers, "Guilty," or "Not guilty," in the first case, and in the second, "For the plaintiff," or "For the defendant." The judge then pronounces sentence, or gives a decree conformable to the opinion of the jury, and the directions of the law. Foreigners, in criminal cases, are allowed juries composed half of foreigners and half of natives. There is no appeal from a sentence delivered in consequence of a petty jury's verdict in criminal matters; but

in civil matters the party, who thinks himself injured, may appeal to one of the three grand tribunals, which reside constantly in the capital, and sit four times a year. There are the court of King's-Bench, the Common Court or court of Common Pleas, and the court of Exchequer. The court of King's-Bench, in which the king is supposed to assist in person, takes cognizance of criminal as well as civil matters; the other two are confined to those that are civil, and the last to revenue affairs in particular; not but that other suits are permitted to be brought before it; but the person, who chuses it for a tribunal, must represent himself as the king's farmer and debtor (a quality never denied him) and consequently one by whose losses the king may suffer. From these tribunals there lies an appeal in civil matters to the house of peers, which likewise judges in the first instance its own members in criminal affairs, and all other persons impeached before it by the house of commons, who are the grand inquest of the nation, and whose prosecutions the king cannot check, as he may those before the other courts. But this is to be understood of criminal affairs, for in those between subject and subject the king never interferes. The three tribunals, called the court of King's-Bench, court of Common Pleas, and court of Exchequer, have each but four judges, including the president: They form the body of magistrates, known by the name of the twelve great judges of England. The president of the court of King's-Bench is styled, lord chief justice of England; the president of the common court, lord chief justice of the Common Pleas; and the president of the Exchequer, lord chief baron of the Exchequer. The twelve great judges have seats in parliament in the high chamber, *i. e.* the house of peers; but sit there merely to be consulted. England

is divided into eight circuits or cantons, which the twelve judges divide among themselves, in order to make the tour of every one of them twice a year, and administer justice wherever it is required of them. Besides the grand tribunals already mentioned, and the courts formed by the itinerant judges, there are inferior courts held every three months by local magistrates, called justices of the peace, for the decision of smaller matters, both civil and criminal. In fine, there is a fourth grand tribunal, called the high court of Chancery, held by the keeper of the great seal of England, commonly called lord-keeper, and sometimes lord high chancellor of England. The business of this tribunal is to supply the deficiencies and mitigate the rigour of the laws of the realm; and he may for this purpose stop the proceedings of all the other courts.

In capital cases, treasons excepted, the proceedings are generally very short. There is both in the head and heart of the English criminals a ferocity, which renders life indifferent to them. Many of them have been known not only to neglect the ordinary means of defence, but assist in their own conviction, to be the sooner delivered from a state of uneasiness. The crime is proved by the *corpus delicti* or testimony of facts, and that of witnesses. The judge first addresses the criminal with the words, "Guilty or not guilty?" and it is remarkable, that though the rack is not used in England, and the kind of death never varies, the judge so easily draws from the accused this confession, which dooms him to punishment. It is one of the characteristic qualities of the English, to respect both the laws, and the interpreters of them to such a degree, as to hear with submission the sentence of death, which the former dictate, and the latter pronounce against them. They lie under a prejudice, which though useful in some respects, is in the main repugnant to the good
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of society, and that is, that punishments inflicted by justice, however severe they may be, are no more than paternal corrections, that leave no stain behind them. The man without education carries before his judges a clownish and brutal frankness. The man of quality patiently suffers the most mortifying discussions, and submits to the rigours of the law with a degree of politeness and resignation unknown in other countries. The Englishman, in the hands of the justice of his country, becomes all on a sudden another being. 'Tis the reverse in civil matters. There he displays all the finesse and subtilty attributed to the Normans. Two or three years are but a short period for the most trifling suits.

Of the UNITED PROVINCES.

The republic is composed of seven sovereign provinces. Each province has its independent towns : And these towns have in the assemblies of the states of their respective provinces the same rights, that the province itself enjoys in the assemblies of the states general. As the states general cannot make either peace, war, truce, or new alliance, or impose taxes, without the unanimous consent of the provinces ; so the provincial states cannot form any resolution in regard to these points without the consent of those towns, which have a voice in the provincial assembly. The deputies of the provinces to the states general, and of the towns to the provincial states, are representatives void of power or action, whose business consists in perpetually asking and receiving instructions, upon affairs of importance, from the provinces and towns which deputed them. The sovereignty is, if I may use the expression, minced and divided among the assemblies of the provinces, and the senates of the towns ; it must be patched up together for every act it is to produce.

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The towns and provinces have equal suffrages without any regard to their extent, their opulence, or their strength. The voice of Holland is of no more weight than that of Overysfel, though the former contributes twenty times at least more to the expences of the state than the latter. The suffrage of the little town of Purmerent is in the states of the province equal to that of Amsterdam. 'Tis a miracle how harmony has so long subsisted in spite of so much fuel for discord, and where there exist so few means of restoring it. The famous treaty of confederacy concluded in the year 1589, known by the name of the *Union of Utrecht*, seemed to establish a kind of supreme tribunal, which should definitively decide the differences between the several provinces, not so much in quality of judge, as that of mediator and friendly arbitrator. But the confederates did not so much as determine the nature of this tribunal. They did not point out the just bounds of its authority; and the restrictions, under which they laid it in certain respects, clashed with the powers they gave to it in others.

The seven provinces of Holland, Zealand, Utrecht, Overysfel, Friesland, Groningen, and Gelderland, agreed among themselves at Utrecht to unite so as to make but one province, and that no treaty or convention should ever break this union, leaving however to every province a full enjoyment of its rights, privileges, statutes, and customs. Every town made the same stipulation for itself; and it was unanimously decreed, that in the differences, which might arise between some particular provinces, the others should not be allowed to interpose otherwise than as intercessors and pacific mediators. It was likewise ordained, that all affairs relative to peace, war, alliances, and taxes, should be decided by a plurality of voices; but that neither peace, war, alliances,

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or levies of money, should be made without the unanimous consent of the seven provinces ; that all disputes however concerning these matters should be provisionally referred to the arbitration of the governors of the United Provinces. Every province likewise reserved to itself the power of making such regulations as she might think proper in regard to ecclesiastic affairs. But it was enacted, that all contests, in which but one particular province might be interested, should be referred to the arbitration of the rest, and that those, in which all the provinces might be interested, should be submitted to the decision of the governors, whose sentence, pronounced within the month, should be executed without opposition. The difficulties, which might arise in regard to the treaty of union itself, were to be left to the states general, and in case of any division in the assembly, the governors were to fix the true meaning of the controverted articles. In fine, both states and governors guaranteed the treaty of union, and bound themselves to enforce the articles of this treaty, and punish the breach of them, by whatever persons committed, notwithstanding any privileges, liberties, or exemptions, pleaded by such persons.

The superiority of the governors became the basis of the union of the seven provinces ; and these provinces never had any thing more at heart, than to withdraw themselves from this superiority, and make themselves independent. They have always considered, as the first subject of the republic, this great officer, whom they established for their judge and arbitrator. Nay, twice did they suppress the office itself for several years together, without erecting any other in its stead. They have not however been free from divisions in regard to the essential points of the constitution. But the republic has retrieved

trieved of herself several shocks, which would have destroyed any other state equally defective in its fundamental principles. The nature of the country, the genius and character of its inhabitants, the situation of the several provinces, obliged to depend on each other for mutual supplies, have corrected the radical vices of the constitution, and re-established peace and concord among the most turbulent and refractory spirits. This country, to which nature has almost refused every thing, and which supplies the whole universe with the means of the most exquisite luxury, has nothing to tempt the greediness of an usurper. Entirely given up to commerce, the inhabitants thrive merely by their labour and industry, which liberty alone cherishes and supports. Nothing but the strongest prejudices liberty can inspire, can render supportable the enormous taxes and imposts, necessary for the preservation of the country and the support of its forces. Sir William Temple has observed, that a plain dish of fish, boiled in salt and water, contributes, before it reaches the table, thirty-two times to the state. 'Tis this idea of liberty which renders the people obedient to their magistrates, whose authority, not sufficiently pointed out, has often been guilty of the greatest abuses. The civil government is altogether municipal. The nobles or magistrates are the depositaries of the sovereignty of the towns. The administration of justice belongs entirely to the burgomasters and sheriffs, who are chosen by the towns themselves, or the states of the province. The stadtholder, who is the great officer named *governor* in the treaty of union made at Utrecht, has the right of choosing one out of the three persons presented to him by the electors to fill these offices. As most affairs relate to commerce, the administration of justice is very expeditious; and the seizure of the offender's effects is one of the first proceedings.

OF GERMANY.

It is very difficult to give a clear idea of the civil state of Germany, without saying something of its political state. The fanaticism of the Crusades had not in Germany the same consequences, that attended it in other states of Europe, where it confirmed the monarchical government by ruining the great vassals. The emperors might have reaped the same advantages from it, could they but have given all their attention to the interior concerns of Germany. But their broils with the sovereign pontiffs perpetually distracted them, and the princes and towns found means to avail themselves of this distraction. The extinction of the ancient houses of Austria and Suabia, by the violent death of the two last princes who were beheaded at Naples, completed in 1268, the confusion of these provinces, then without a sovereign. The lords and the towns either associated together, or made war upon each other, for the sake of independency. An almost twenty years interregnum left all at liberty to establish themselves firmly in their respective usurpations. When Rodolphus ascended the Imperial throne, there was not a single nobleman or powerful community in Suabia and Alsatia, that did not affect to be an immediate feudatory of the empire. The prince gained over to his interest the sovereign pontiffs, by ceasing to support the best part of the ruinous pretensions of his predecessors upon Italy, and in a short time, by his wisdom and courage, restored the Imperial dignity to its ancient lustre. But as it was by force of arms he had humbled all those, who had failed in their allegiance to him, he could only reduce them, and had not time to impose laws upon them. This was a task ready prepared for his successor, if he had had the views of Rodolphus

dolphus as well as his military talents. His reign was troubled by civil wars. Albert, who succeeded him, was equally unhappy, and Henry VII. who reigned after Albert, could not resist the desire of re-establishing the empire in Italy. The terrible perplexities, into which this enterprize plunged him, were not able to give his successor Lewis of Bavaria a disgust for it. This prince, attacked by Pope John XXII. undertook to bring him to reason by force of arms; and Germany was replunged into disorder and confusion during a reign of thirty years. At length Charles IV. who by a voyage to Rome had got an opportunity of knowing the difficulties, with which the re-establishment of the empire in Italy would be attended, applied himself to give it a permanent form in Germany.

The Golden Bull, which he published in 1356, takes in equally civil and political matters. But we may see by the principal objects of it, that Charles wanted the genius requisite in a legislator. It fixes the rank and the rights of the electors, the ceremony of the election and coronation of the emperor; lays down some rules concerning challenges, which was then the most common method of deciding differences among people of all ranks and conditions. In the course of his reign he caused to be passed in the diets several edicts, to hinder the lords and towns from terminating their quarrels by arms. But he wanted authority to enforce them. Vincelas, his son and successor, was a monster, who for the space of thirty years, made Germany again the theatre of all the horrors attending civil wars and anarchy. Sigismund, who reigned after him, applied himself more to the troubles of the church, and the pacification of them, than to the affairs of the empire. Albert II. ascended the Imperial throne after the death of Sigismund,

mund, and secured himself the possession of it by force of arms. Aware of the necessity of dividing Germany into several districts in order to maintain good order there when restored, he divided it into four circles. A great diet, which he held at Nuremberg in 1438, the very year of his accession, approved this regulation, and several others, which he laid before it relating to the public security. This prince reigned but two years; and this rough draught of a reformation appeared so difficult a work to continue and support, that the Imperial crown was refused as a burthen by a landgrave of Hesse. Frederick of Austria, to whom it was offered, accepted it, and signalized the beginning of his reign by refusing the crown of Bohemia, which it would have been unjust in him to accept. This debate, which procured him universal esteem, had no happy consequences. He was some years after suspected of designs upon the inheritance of the minor, whose protector he had declared himself. His long reign was overcast. History, too attentive to his different wars and the treaties by which he terminated them, has not done him justice in regard to the numerous efforts he made in the diets, to re-establish laws and good order. The provincial tribunals had recovered some form; and the most crying disorders had a curb put upon them, when in 1493 he left the Imperial throne to his son Maximilian, whom he had procured to be crowned king of the Romans in 1486.

Scarce had Maximilian ascended the throne, when he began to apply seriously to the reformation of the several branches of civil and political government. He called a diet at Worms, for the year 1495; and at this diet all the electors, princes and states, whom he had invited to it, assisted. The members, being equally sensible with their head of the necessity of subordination, the constitution he
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proposed was unanimously received. This constitution imported, that the emperor should be universally acknowledged in his quality of supreme judge, that all forcible methods should be strictly forbidden, and all the quarrels between the different princes and states, should for the future be decided by a sovereign tribunal composed of judges chosen by the emperor and the empire. This tribunal is known by the name of the Imperial chamber: It was transferred from Francfort to Spire, and from Spire to Wetzlar, where it has continued since the year 1696. It is composed of a great judge and two presidents named by the emperor. In 1719, the number of assistant judges, was limited to 25, and this number is seldom compleat.

To regulate the proceedings of this great tribunal, it was requisite to point out exactly the bounds of its jurisdiction, and provide for the execution of its decrees, by a power equally respectable and free from suspicion. Maximilian adopted Albert's plan, and proposed to divide the empire into circles, in each of which the most powerful and reputed inhabitants should be specially charged to maintain the public peace. At first there were but six of these circles, which are still called *the Ancient Circles*. But conventions were made soon after with the electors for incorporating their states and those of the house of Austria with the rest of Germany, and then there were ten circles. The four last being, those of Austria, Higher Saxony, the Higher Rhine and Burgundy, had but one director each. The six others have two each. The business of the directors is to call the assemblies of their respective circles, to direct their deliberations, and see the decrees relating to the public welfare duly executed. The arch-duke of Austria is the director of the circle of that name. The elector of
Mentz

Mentz alone directs that of the Higher Rhine, as the elector of Saxony does that of Higher Saxony. The elector of Bavaria and the arch-bishop of Saltzburg have the direction the circle of Bavaria. The circle of Franconia is directed by the bishop of Bamberg, and alternately by the margraves of Bareith and Anspach, who relieve one another every three years. The duke of Wirtemberg and the bishop of Constance are directors of the circle of Suabia. The bishop of Worms and the elector Palatine are directors of the circle of the Lower Rhine. The bishop of Munster and the inheritors of the state of Cleves, have the direction of the circle of Westphalia. The house of Brunswick and the possessor of the arch-bishoprick of Magdeburg are directors in the circle of Lower Saxony.

Besides its directors, every circle has a general of its own nomination, and whose colleagues and subalterns it likewise names. Nothing now seemed wanting that could contribute to maintain or establish public tranquillity. But experience soon demonstrated, that this one supreme tribunal was unequal to the necessities and extent of the Empire. Maximilian proposed to the princes and states the Aulick Council, an ancient Imperial tribunal, to which he gave a new form. The Aulick Council is composed of a president, the vice-chancellor of the Empire, a vice-president, and 17 assistant judges, all named by the emperor. This tribunal takes in the same countries and causes with the Imperial chamber, and has exactly the same jurisdiction and authority,

The proceedings of the Aulic Council are the same with those of the Imperial chamber. Causes are to be terminated in either of the two tribunals, before which they have been first brought. There lies no appeal

peal from one to the other. Those parties, who think themselves aggrieved, may indeed demand a re-hearing of their cause, and it is never refused. In the Imperial chamber, this re-hearing is granted on a petition to the elector of Mentz, and in the Aulick Council upon one to the Emperor. In both courts the informations are taken, and sentence pronounced, in the Emperor's name. Each of the two tribunals has its privileged causes. The members of the Imperial chamber are subject to no other tribunal. All suits relating to the reserved rights of the Emperor, belong to the Aulick Council. The causes come before both, either directly or by way of appeal. The first however always suppose a previous proceeding, which is considered as a first application, and which is the remains of an institution set on foot during the troubles and disorders of any, by confederacies between families and towns. As there prevailed at that time a general confusion, and satisfaction used to be asked with the point of the sword, it was agreed, that the confederates, before they came to blows, should refer their disputes to an arbitration. This friendly proceeding was called *forum Austregarum*, and is still known by the name of *Austregues*. But in the greatest part of the Empire, it consists in an application to the Emperor for commissaries to act as mediators. The Aulick Council shuts up at the death of the Emperor. The Imperial chamber never loses its authority. This is all the essential difference between the two courts. The forms of proceeding are an abyss, which the ablest men of Germany have only deepened in striving to fathom; and the jurisdiction of the vicariat, during the interregnum, is of a political nature.

OF FRANCE.

The disorders of feudal government have been carried to greater lengths in France than in any other country of Europe. Not one of them appeared at a greater distance from the happiness of receiving good laws. The royal authority there had no other methods left but those of juridical proceedings or open war, to awe its great vassals. The investiture of fiefs was become a mere matter of form, and the inheritance of them, all to the Salick law, was as universally allowed of, as the right of succession to other effects between private persons. The lords in France were more independent of the king, than they are in Poland, where the fiefs are employments for life at the king's disposal. The great vassals there were more sovereign than in Germany, where, even in times of the greatest confusion, the investiture, which the Emperor alone could confer, was a necessary title to obtain possession. The constant attention of the kings of France to avail themselves of the faults of their vassals, and to reunite to the crown by alliance or devolution the principal fiefs, has brought back this powerful state to a monarchical government sooner and easier, than it could be reasonably expected. They interested in their pretensions the people and under vassals, by countenancing them in appeals made from the decrees given against them in the courts of their respective lords. The royal commissioners sent into the provinces to receive the complaints and redress the grievances of the injured parties, gave occasion to discussions, of which the firmness of the crown procured it the advantage. By degrees the people discovered a protector, and the vassals a master. Both were already accustomed, by the annual

annual visits of the royal commissioners, to the jurisdiction of a supreme tribunal erected by the king, when Philip the Handsome fixed in the capital the court of justice, which for a long time had been attached to the king's court. The institution of the parliament of Paris, which was erected but one year before that of Thoulose, is generally referred to the year 1301. The other parliaments were successively erected in the provinces, on the model of these two; but their infancy is so obscure, that we dare not affirm any thing touching their primitive constitution and prerogatives. Princes of the blood were presidents of the parliament of Paris during its infancy. The counsellors, at first twelve in number, were lords. All the bishops were counsellors born, and in right of their dignity alone enjoyed a seat and deliberative voice. Philip the Long, under a pretence of piety, stript them of this distinction. He published an ordonnance in 1319, importing, that he deprives the prelates of their places in parliament, because he holds it a point of conscience to make them attend to the duties of that spiritual government, with which they are charged by profession.

The parliament of Paris is called the court of peers. But its primacy among the parliaments of France gives it no superiority of jurisdiction over them. As the city where it sits is supposed to be the king's residence, it is preferred to the other parliaments in causes relating to the revenue and the officers of the crown. The dukes and peers take their oaths in it, and challenge it for their tribunal. But this is rather a privilege of theirs, than a prerogative of the parliament. It was the spirit of the law, that men of this rank should be distinguished from the other subjects of the kingdom, by an invariable and more solemn course of proceedings. The

counsellors of the parliament of Paris have challenged seats in the other parliaments of the kingdom, without admitting the counsellors of these parliaments to seats in theirs, and the parliament of Thoulouse opposed to their pretensions an ordonnance of Charles VII. published in 1454, which he corroborated with a decree of his own in 1466. All the parliaments of France hold their authority and activity from the king, whose commission is sent to them every year for opening the chambers the 12th of November. They sit constantly till the 7th of September, when the vacations begin. But justice is equally administered during these two months by a chamber called *the chamber of vacations*. Every parliament is called a sovereign court, and in fact judges in the last instance, and without appeal, unless some essential breach of the ordonnances has been committed in the proceedings and judgment. The king however has reserved to himself the right of forbidding his parliaments the cognizance of such causes, as he thinks proper to order before the great council. This last tribunal was formed and erected into a sovereign court by Charles VIII. in 1497. The offices, which compose it, have varied till the year 1738, when Lewis XV. gave it for heads, under the chancellor, a counsellor of state, and eight masters of requests. The officers of the parliaments are all named by the king. But in consequence of the property, which the possessor acquires in them by paying the duty, called *de la Paulette*, the heirs, to whom the king refuses his approbation, or who have no taste for the profession, exact the price of the place from the person, upon whom it is conferred. The number of chambers is not the same in every parliament, but is proportioned to the extent of their respective jurisdictions. The parliament of Paris, whose jurisdiction

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comprehends one third of the kingdom, has nine chambers, viz. the great chamber, the chamber called *de la Tournelle* for criminal affairs, five chambers of inquests, where suits are prepared, and two chambers of court requests, which share with the household chamber of requests the cognizance of privileged causes. The number of members belonging to each chamber has always depended upon the will of the king, who has often made the multiplication of them a resource, in exigencies of state, by selling the new created offices. Custom and the king's ordonnances compose the law, by which the parliaments govern themselves. Lewis XIV. tried to give a new code, but could never bring it to perfection. The ablest juriconsults, though they acknowledge the perplexities and contradiction which so many local customs, often clashing with each other, create in the administration of justice, have never ventured to decide, whether it would be proper to form a general code, which should submit the whole kingdom to the same laws and the same proceedings.

OF SPAIN.

The Spanish monarchy assumed a new face under Ferdinand and Isabella. Their joint conquest of the kingdom of Granada re-united all the provinces, and put an end to the Moorish government, after it had lasted more than eight centuries. This conquest made a revolution, and presented an excellent opportunity of giving new laws to all Spain. It was impossible, that people, till then entirely different in point of manners, customs, and religion, and brought up in a boundless hatred and antipathy, should get the better of their prejudices, and be reconciled in so many respects, but by means of a new code, which putting both the conquest

rors and the conquered on the same level, should make them lose in a society, where they would be blended without distinction one with the other, the habits they had contracted of mutually hating and despising each other. Ferdinand did not want either genius or policy for this work. Unhappily the union between him and Isabella had not united their dominions; and the two sovereigns piqued themselves unseasonably, upon preserving to their different provinces ancient privileges, which the revolution put them in a condition to adjust, by force or by fair means, to a new constitution of the monarchy. Cardinal Ximenes, their first minister, was more desirous of converting than of giving good laws to the conquered. Instead of presenting the Granadians to the Castilians and Arragonians as new countrymen, subject to the same sovereigns, he strengthened the religious prejudices of the ancient Christians to the disadvantage of the Moors; and by making the adoption of the last depend on their submission to the Catholic church, he annexed to this adoption a mortifying idea, sufficient to hinder them from suing for it, or relishing the advantages of it when obtained. The Spaniards, on their side, accustomed themselves to think, that to adopt the Granadians, it was requisite to sacrifice to religion their personal pre-eminence, and their piety was soon conquered by their self-love. They despised the Moors, and made them sensible of it. It was now easy to foresee, that the last would soon become rebels or slaves. The tribunal of the Inquisition was but ill calculated to mend their condition. Cardinal Ximenes thought himself but too happy in barely preventing so ill constituted a monarchy from falling into disorder and confusion. Most of his regulations were political and ecclesiastical. He paid great respect to all the ancient customs, and even the abuses

abuses in civil affairs, unless where both clashed with the sovereign authority. Charles V. on his arrival in Spain, found its provinces upon their guard against the administration of a prince bred in a foreign country, and to manners and customs different from theirs. He confirmed all the privileges, and did no more than enforce the execution of the local laws, which he found already established. The foreign wars he undertook scarce permitted him to do more. Philip his son and successor, who devoted himself entirely to the cabinet, might have been a legislator. But he bent all his thoughts and all his views to the acquisition of absolute power. His policy, ever more subtle than sound, engaged him to strip the provinces of their prerogatives, and made him neglect to replace these prerogatives with laws for the government of the people. By favour of a rebellion, true or false, which he hatched himself by means of his confident Antonio Perez, he assumed a right of punishing the two Castiles and Arragon by the suppression of their liberties. In the course of his reign, he issued edicts in proportion as there started up cases to which they were applicable: This was living from hand to mouth. He caused all these edicts to be compiled. Philip IV. and Philip V. added to them their own edicts and those of their predecessors, and the tribunals govern themselves by both one and the other. In general, the civil state of Spain is a monstrous jumble of the Roman law and the two ancient compilations of the Gothic kings and Alphonfus X. This last has taken its name from its divisions into seven parts, and is called *Partita* or *Leges septem partitarum*. The other is called the *Book of Judges*. There is besides a collection of 83 laws made in the states held at Toro, in the year 1500, under Ferdinand and Isabella, and which are called *Leges Tauri*. Their obscurity renders them of little use in practice.

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The council of Castile may be considered as the supreme tribunal of Spain. This court takes cognizance of matters of grace and justice, and likewise intermeddles with state affairs. It receives appeals from all the provincial tribunals except that of Navarre. Its president has been always considered, in point of authority, as the second person in the kingdom. His personal privileges render him in a manner independent. The rights of this important office have been curtailed by several kings, since Phillip II. Philip V. gave it the severest blow, by appearing to suppress the office itself. The head of the council of Castile is now called *Governor*, and the court is even at liberty not to grant him any of the privileges formerly belonging to the presidents. This council has but 24 assistant judges; and is divided into six chambers, one of which takes cognizance of state affairs only. The parties may apply to the king's council, for a re-hearing of suits decided by the council of Castile. But then it is without prejudice to the decree given by this council; which must be provisionally executed. The petitioner must besides deposit a considerable sum to obtain leave to proceed, so that people very seldom have recourse to this remedy. The governors of provinces are at the head of all affairs in their respective governments, and preside in their supreme courts of justice. The great cities, which are not capitals of ancient kingdoms, have councils whose presidents are styled *Corregidor*, these *Corregidores* take cognizance indifferently of civil and criminal matters, and those merely regarding the police. The little towns and boroughs have *Alcaldes* and *Regidores*, whose authority is very considerable, since the communities have been obliged to collect themselves, and make good the public revenues.

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The establishment of the Inquisition will ever be an obstacle to a good civil government in Spain. It is perhaps the fear of striking against this monstrous tribunal, and incurring its hatred, that has hindered the statesmen, and even the kings of Spain themselves, from attempting to reform this branch of legislation. Queen Isabella imagined she was doing a thing agreeable to God, when she established in her dominions this court, which should not have subsisted longer than the extravagant zeal that gave it birth. Ferdinand considered the Inquisition as a necessary yoke for the newly conquered Moors, in order to make Christians and good subjects of them, without bringing upon the royal authority the odium and resentment, which such methods of proceeding must naturally excite. He saw no farther. It was not long before this formidable tribunal terrified the people into subjection; and having taken this hold of them, insensibly inspired them with that blind respect, which fear produces. It is on religion that are built the prejudices, which it has so deeply fixed in the minds of men. The people, enslaved by it, would oppose the man, who should attempt to break their chains.

There are four tribunals of the Inquisition in Spain, none of which account for their prosecutions or executions. They may confine a man on the least suspicion; they absolve, discharge, and stigmatize; confiscate, and put to death without giving any reason for their sentences, but the equity with which they suppose them dictated. Their jurisdiction is over matters relating to religion; and they know so well how to extend the relations of religion, that nothing can escape them. Nay, the grandees of Spain have no other method of evading the despotism of the Inquisition, but that of interest-

ing it in their defence. They have specially devoted themselves to the support of its jurisdiction, and among their titles place that of its *Client*. It is impossible to establish a general form in the administration of justice, as long as a tribunal is permitted to exist, which confounds all the departments, and which acknowledging no bounds to its authority, admitting no fixed and certain rules to proceed by, nor even the principles of common law in its judgments, may at its pleasure call before it all manner of causes, and ravish the parties from their natural judges.

OF PORTUGAL.

The late king of Portugal John V. seemed aware of the necessity of opposing a dike to the despotism of the Inquisition. He obtained for himself the charge of grand inquisitor of Portugal. But it is to be feared, that when the kings his successors shall have succeeded in melting down, if I may be allowed the expression, and blending together the secular and ecclesiastical authority, they will take a liking to the arbitrary power resulting from such an union. The states assembled at Lamego in 1181, by Alphonfus first king of Portugal, founded the political constitution by laws, which were published in 23 articles. On the house of Braganza's accession to the throne in 1641, the states explained and confirmed these ancient laws of Lamego. They have all to a trifle provided against every future contingency relating to the succession to the throne, to the titles and authority of their kings, the prerogatives of the nobility, the liberties and immunities of the people.

The Roman law with its glosses, was for a long time the sole rule of all the tribunals in Portugal. At present, the king's edicts have taken place of it; and it is only
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consulted in cases, where the sovereign has had no opportunity of pronouncing. King Emmanuel caused the edicts of his predecessors to be collected ; and the king of Spain, Phillip III. caused a new compilation to be published at Lisbon in 1602. There are two sovereign tribunals in Portugal, one at Porto and the other at Lisbon. They have each a chancellor for president. They admit no member that cannot prove, that he has performed a nine years course of study, thrice publickly sustained a law thesis, and has successfully undergone six examinations. In any other country this would be a strong prejudice in favour of a judge's capacity. But the deplorable state of letters in Portugal, will not permit us to attribute any other advantage to such a candidate, than a great stock of patience, and perhaps some taste for the useless questions of the schools. There are besides 24 subaltern tribunals in the provinces to administer justice to the people. The nobility and the clergy have their particular judges, and the affairs relating to the domain are brought before officers, which enjoy an exclusive cognizance of them. The king has about his person a council, which is called the *Palace Council*, whose jurisdiction and rights are as extensive as those of the council of Castile. There lies an appeal to this court from those of Porto and Lisbon ; but it cannot intermeddle with any causes that the Inquisition has once taken hold of. The four tribunals of the Inquisition established in Portugal are not as famous as that of Goa, though they differ in nothing from it.

OF ITALY.

The greatest part of Italy shares with Spain and Portugal the disorders, into which the tribunals of the Inqui-

sition throw the civil departments. The Inquisition however has abstained from giving them those horrible spectacles of the *Auto da fé*, which it deems requisite to confirm the Spaniards and Portuguese in the Catholic faith. The tribunals of Naples, Tuscany, and even Rome herself and the ecclesiastical states, though as ready perhaps to suspect people of the crimes that fall under their cognizance, content themselves with stopping the contagion of them by imprisoning the criminal; and bury in the most impenetrable secrecy, whatever they make him suffer besides the loss of his liberty. It is surprizing that Venice, so jealous of her independancy, should consent to the establishment of the Inquisition in her territories. But it is still more surprizing, that she should have been so constantly upon her guard against the enterprizes of this tribunal, that she never let it trespass the bounds she prescribed to it, without immediately making it suffer for its presumption, after having checked the ill consequences of it. She has tied down the inquisitor, which Rome sends to her, to certain invariable formalities, the omission or infraction of which she punishes as a state crime. She makes her commissaries assist in every prosecution, and reserves to herself the liberty of approving the sentence, and causing it to be executed. In Venice, the tribunal of the inquisition of faith is a civil tribunal, and perhaps the best in the republic's dominions.

At Venice every thing is viewed in a political light. There are scarce any real tribunals of distributive justice, but for domestic discussions, and little affairs regarding the police. The jealous authority of the senate has multiplied to infinity the relations of sovereignty. The state inquisition suspects, condemns, and puts to death, without any form of process. It enters into the smallest details,

details, excepts nothing, spares no one, can do every thing, and is accountable only to itself. This despotic tribunal is double. One has ten members, the other but three. Both have the same unlimited power, and are equally rough and precipitate in the use they make of it. To be tolerably secure at Venice, a man must either be lost in the crowd, or have no enemy, or procure powerful protectors, or in fine, suppose that ten or three men know every thing, and are endowed with every virtue. Let a man form ever so sublime ideas of the prudence and circumspection of these supreme magistrates, he must tremble to think, that he may be condemned by them, without so much as deserving to be brought before them, and that there is no remedy against their decrees. Continually exposed to informers, whose accusations are received without proofs to support them, or their even shewing themselves, both strangers and citizens enjoy but a precarious and uncertain existence. Under the cloak of liberty, Venice is really without civil laws. The countries subject to the republic have ancient customs, which are observed in their law proceedings. We don't well know what their influence is in the Adriatic territories and in the islands. In the subject provinces, called the *terra firma state*, namely, the Veroneze, the Paduan, the Brescian, and the Bergamasco, most civil suits soon become criminal, on account of the monstrous licence caused by the impunity of assassins. The indulgence of the sovereign in this respect is one of the mysteries of Venetian policy.

The house of Savoy has been so happy, as to preserve its territories from most of the disorders common to the other states of Italy. For several reigns past, it has copied after France, and has even outdone the institutions of that kingdom in several respects, during the last and the present reigns.

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The Lombard laws and the Roman law are in several countries of Italy blended with the feudal law and the Imperial immunities. 'Tis a chaos scarce worth attempting to reduce into order. The republic of Genoa explains by her modern edicts the ancient conventions which she entered into with the communities become her subjects, in proportion as she encreases her power. The Medicis might have made themselves sovereigns, and wanted courage to become legislators.

Rome is equally wonderful in her civil and in her political state. Both may pass for master-pieces of the human understanding. We should have less reason to be surprized at the skill, with which the sovereign pontiffs have blended with the particular jurisdiction they enjoy in their own states, that which religion owes to them in all the states of Christianity, had they made these institutions in those times of confusion and ignorance, in which princes used to implore the protection of the Holy See against their refractory subjects; and thought themselves happy to be able to purchase from the popes, the support of an authority more revered than their own. Even in that case it would be something extraordinary, that, the times having entirely changed, the sovereign pontiffs should have preserved the channels after the sources had failed. But it was in the very verge of its declension, as to temporal power, that the court of Rome established the form of her civil government, and at a time that both princes and people, having recovered the knowledge of their rights and their duties, should be apt, one might imagine, by carrying to excess their independency of Rome, to revenge themselves of her for having abused their weakness.

As to what concerns the ecclesiastical state and its capital tribunals, all to the difference of names, they are almost

almost the same as in other states. The sovereign pontiff's vicar is an inspector-general both civil and ecclesiastical; and, in some matters of less consequence, supreme judge. The governor of Rome calls up to his tribunal criminal affairs, and decides them without appeal; but his sentences of death are to be signed by the pope. The senator of Rome, who is always a stranger, is the ordinary judge of the people, in civil and criminal affairs. He has three lieutenants, each of whom forms a separate tribunal. The sentence is not definitive, 'till after the decision of the successive appeal to each of them. The Roman conservators are charged with every thing relating to arts, agriculture, and commerce. They take care to see the customs and statutes duly observed, and preside over the markets. The *congregation of the consult* is a kind of sovereign court for all the ecclesiastical state. That of *good government* does justice to the communities and injured vassals; revenue affairs are the chief object of its jurisdiction. These are the tribunals of the pope, as sovereign of Rome.

Of those common to all the Christian world, the principal is that of the Rota. It consists of 12 prelates, of whom two are Spaniards, one a German, and one a Frenchman, all named by their respective sovereigns. The eight others are Italians. These 12 prelates are stiled auditors of the Rota. There lies an appeal to them for all the beneficiary affairs of Christendom. They compose three tribunals, from each of which the parties pass successively to another. To gain a cause, the three decrees must coincide; and after this triple judgment, there still remains the remedy of what they call a civil petition, by means of which a re-hearing may be obtained. The auditors serve without fee or reward, but
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the suits are not the less chargeable, on account of the writings and the vacations of the clerks. Several subaltern tribunals prepare and digest the causes, that are to appear before the Rota. The penitentiary and datery are pretty universally known, and cannot be analyzed, without entering into particulars inconsistent with the design of this abridgment. The congregation of the *Propaganda* takes in all the missions in the known world, served by the secular or regular clergy. That of the *Index* permits or forbids the reading of books, and regulates the studies of the greatest part of the Catholick world. That of *ecclesiastical Immunities* keeps up the connexions of the court of Rome with all the Catholick courts by continual discussions. The congregation of *Indulgencies*, and that of *Rites*, or church ceremonies, establishes a perpetual circulation between the sovereign pontif and all the clergy, &c. 'Tis not without good reason that the court of Rome flatters herself with a duration equal to that of the Catholick church,

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